

No. 12118

IN THE

United States Court of Appeals

FOR THE NINTH CIRCUIT

FRANK W. BABCOCK,

Appellant,

vs.

BEN C. KOEPKE, individually, and as Area Rent Director, Los Angeles Defense-Rental Area, Office of Rent Control, Office of the Housing Expediter, et al.,

Appellees.

TRANSCRIPT OF RECORD

Appeal from the United States District Court for the
Southern District of California
Central Division

FILED

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PAUL P. O'BRIEN,
CLERK

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italics; and likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible an omission from the text is indicated by printing in italics the two words between which the omission seems to occur.]

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In the District Court of the United States

Southern District of California

Central Division

No. 8678-Y

FRANK W. BABCOCK,

Plaintiff,

vs.

BEN C. KOEPKE, MELVIN G. KING, JAMES F. KING, A. VANCA, C. GAFFNEY, N. J. PATTERSON, W. R. WILKINS, GERTRUDE SILVERSTEIN, DOROTHY HAYLANSKI, JOHN W. CASTLE, RICHARD NUGENT, BYRON LONG, ROBERT H. KENT, EUNICE E. KENT, ELEANOR CHESAREK, WILLIAM ROBINSON, TOM STILLWELL, S. D. TAYLOR, BEA TAYLOR, OLGA SCHMEL, BARBARA NEGLEY, CLAIRE PRATER, LULA MAE STEWART, ELLEN VAN GOETHEM, LORRAINE FARLOWE, R. B. MILLER, MRS. R. B. MILLER, MAX TAYLOR, DAVID ALLEN, LAURA FOLAN, FRANK T. FOLAN, JOAN ENGELHART, JEWEL ELY, ELIZABETH WALKER, LESLIE ELY, F. R. CHENEY, MRS. F. R. CHENEY, SOL SELTZER, SAM LAZERWITZ, GLENNA WALLACE, DOROTHY DUNKER, MARION CLARK, DOROTHY BURTCH, LAMBERT BAYHI, L. A. OHLGREN, THERESA SPUNZO, JUNE CARLSON, W. MARSDEN, P. SMITH, ANDREW J. STARR, JOHN DOE, JANE DOE, RICHARD ROE and SALLY ROE.

Defendants.

PETITION OF B. C. KOEPKE, AREA RENT DIRECTOR, ON BEHALF OF THE UNITED STATES OF AMERICA FOR REMOVAL OF SUIT FROM THE STATE COURT

The petition of the defendant B. C. Koepke (sued herein as Ben C. Koepke) respectfully shows:

1. That certain case entitled Frank W. Babcock, plaintiff, against Ben C. Koepke, et al., defendants, bearing Superior Court Case Number 549,890, was filed in the Superior Court of the State of California, in and for the County of Los Angeles on September 16, 1948 and is now pending therein. A copy [2] of the complaint and summons were lodged with the office of this defendant on September 17, 1948.

2. Said action is a suit of a civil nature at law and equity and for declaratory relief of which the District Courts of the United States have original jurisdiction in that the suit is for an injunction to restrain the execution and enforcement of the Housing and Rent Act of 1947 and of regulations and orders issued pursuant thereto and for declaratory relief of rights and duties arising under said statute and regulations and said action arises under the Constitution and laws of the United States and presents a federal question of the interpretation of a solely for the purpose of removing said cause and hereby petitions to remove said cause to the United States District Court for the Southern District of California, Central Division, upon the ground and for the reason that said cause arises under the Constitution and laws of the United States and involves a federal question and therefore is a cause of which the District Court has original jurisdiction.

4. That the time for defendant in this action to move, answer or plead to the complaint in this action has not

expired and will not expire until after September 27, 1948 and your petitioner has not yet filed any pleading nor in any way appeared therein.

5. That defendant is sued herein solely on account of matters allegedly done or to be done in his capacity as Director of the Los Angeles Defense Rental Area Office of the Office of the Housing Expediter, namely, in his capacity as an officer of the United States, as shown by the complaint herein. That the United States is the real party in interest and this petition is filed on behalf of the United States. For these reasons the defendant is not obligated to and does not file a bond.

6. That the undersigned, B. C. Koepke, sued herein as Ben C. Koepke, as Area Rent Director of the Los Angeles Defense Rental Area Office, Office of the Housing Expediter, is connected with the matters related in the complaint solely by reason of his office as Area Rent Director. [3]

7. It appears on the face of the complaint, and petitioner is informed and believes and therefore alleges that in this suit the amount in dispute exceeds the sum of \$3,000.00 exclusive of interest and cost in that (a) the amount for which plaintiff is renting the premises in question as alleged in the complaint exceeds in the amount of \$1600.00 each month the sum which plaintiff alleges the Area Rent Director will fix or claims to be the maximum rent, and during the probable existence of rent control or under the terms of any retroactive order which this defendant may issue effective as of July 1, 1947, the difference between the rent which the plaintiff is now collecting and which he will legally be entitled to collect will be well in excess of the sum of \$3,000.00 exclusive of interest and cost; and (b) in that the premises involved in this suit consist of thirty units on which the

plaintiff allegedly has spent in remodeling, rehabilitation and conversion the sum of \$39,000.00 and therefore said premises are worth greatly in excess of \$3,000.00 exclusive of interest and cost.

That any orders which the Area Rent Director may issue may be made retroactive to July 1, 1947. That pursuant to the provisions of Section 205 of the Housing and Rent Act of 1947 as amended, overcharged tenants may sue for treble the amount of over charges or \$50.00, whichever is greater, plus reasonable attorney's fees and costs.

Wherefore, plaintiff prays that this Court make an order of removal and entertain this case, order that no bond be required, and cause the record in said Superior Court to be removed into the District Court of the United States for the Southern District of California, Central Division.

There is attached hereto a copy of all pleadings and papers filed in said case in said Superior Court.

Dated: Los Angeles, California, this 21st day of September, 1948.

B. C. KOEPKE

Sued Herein as Ben C. Koepke, Petitioner, on Behalf of
the United States of America.

ABE I. LEVY

STEPHEN D. MONAHAN

FRANK L. HIRST

RICHARD G. SOLOF

BENJAMIN CHAPMAN

By Benjamin Chapman

Attorneys for Defendant Ben C. Koepke [4]

[Verified.]

[Endorsed]: Filed Sep. 21, 1948. Edmund L. Smith,
Clerk. [5]

In the Superior Court of the State of California in and for the County of Los Angeles

Frank W. Babcock, Plaintiff, vs. Ben C. Koepke, Melvin G. King, James F. King, A. Vanga, C. Gaffney, N. J. Patterson, W. R. Wilkins, Gertrude Silverstein, Dorothy Haylanski, John W. Castle, Richard Nugent, Byron Long, Robert H. Kent, Eunice E. Kent, Eleanor Chesarek, William Robinson, Tom Stillwell, S. D. Taylor, Bea Taylor, Olga Schmel, Barbara Negley, Claire Prater, Lula Mae Stewart, Eilen Van Goethem, Lorraine Farlowe, R. B. Miller, Mrs. R. B. Miller, Max Taylor, David Allen, Laura Folan, Frank T. Folan, Joan Engelhardt, Jewell Ely, Elizabeth Walker, Leslie Ely, F. R. Cheney, Mrs. F. R. Cheney, Sol Seltzer, Sam Lazerwitz, Glenna Wallace, Dorothy Dunker, Marion Clark, Dorothy Burtch, Lambert Bayhi, L. A. Ohlgren, Theresa Spunzo, June Carlson, W. Warsden, P. Smith, Andrew J. Starr, John Doe, Jane Doe, Richard Roe and Sally Roe, Defendants. No. 549890.

COMPLAINT

(For Declaratory Relief and Injunction) and
POINTS AND AUTHORITIES

Plaintiff complains of defendants and for cause of action alleges as follows: [6]

I.

Since June, 1947 plaintiff has been and now is the owner of the real property described as:

Lot 10, Block A, West Los Angeles Tract in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 3, at page 142 of Miscellaneous Records in the office of the County Recorder of said County and State, also

known as 660 W. Jefferson, Los Angeles, California, and of the buildings and structures thereon.

II.

Defendant Koepke is the duly appointed, qualified and acting Area Rent Director for the Los Angeles Defense-Rental Area, Office of Rent Control, Office of the Housing Expediter, an agency of the United States, and has been since July 1, 1947 and now is administering the Housing and Rent Act of 1947, both as originally enacted and as amended, and the Rent Regulation for Controlled Housing (12 F. R. 4331) pursuant to a delegation of authority so to do issued by Tighe E. Woods, the Housing Expediter. The real property described in paragraph I is within the territorial limits of the Los Angeles Defense-Rental Area.

III.

During the period February 1, 1945 to January 31, 1947, both dates inclusive said premises were not rented as housing accommodations.

From prior to February 1, 1945 to sometime in June, 1946 said premises were occupied from time to time by members of the United States Marine Corps under a written contract between the United States Navy and the University of Southern California providing for the education, training and housing of Naval personnel. The whole intention, object and purpose of said contract was to accomplish the education and training of Naval personnel and the use and occupancy of said premises was but incidental and subordinate to that intention, object and purpose. At no time during the period said contract with the United States Navy was in effect did the relationship of [7] landlord and tenant exist between the University of Southern California and any one or more of the

Naval personnel who occupied said premises from time to time.

IV.

From June to September, 1946 said premises were unoccupied.

V.

From September, 1946 to August, 1947, said premises were occupied from time to time by women students of the University of Southern California under written contracts between the University of Southern California and said students providing for their education, training and housing. The whole intention, object and purpose of said contract was to accomplish the education and training of said students and the occupancy of said premises was but incidental and subordinate to that intention, object and purpose. At no time during the period of said contract with the University of Southern California was the relationship of landlord and tenant existent between the University of Southern California and any one or more of said women students who occupied said premises from time to time.

VI.

By September 1, 1947 said premises were surrendered by the University of Southern California to plaintiff in an unoccupied condition.

VII.

Occupancy by the Naval personnel aforesaid, and each of them, was on a barracks basis, and each of them was subject to assignment, reassignment or transfer by the officer in command, and to the rules and regulations of the Department of the Navy of the United States and of the Articles of War governing the conduct of enlisted Naval personnel.

Occupancy by the women students of the University of Southern California aforesaid, and by each of them, was on a dormitory basis and each of them was subject to assignment and reassignment, discipline and expulsion by the University of Southern California and their occupancy was subject to the residence rules for women students of the said University.

None of said occupants, either Naval personnel or women students, [8] had any right to exclusive occupancy of any room or combination of rooms in said premises nor did any of them occupy any portion of said premises as a self-contained unit consisting of living and sleeping space, bath and toilet facilities and kitchen facilities.

During July or August of 1947 plaintiff had conferred with officials of the Los Angeles Defense-Rental Area Office, of the Office of Rent Control, Office of the Housing Expediter, and advised them that he proposed to convert said premises from their existing condition, dividing the rooms into self-contained dwelling units each containing living and sleeping space, bath and toilet, and kitchen facilities, and requested that he be advised whether or not the dwelling units so created would be subject to or free from control under the housing and rent act of 1946, and plaintiff was advised by said officials that said units, so created, would be decontrolled under said Act.

VIII.

After receiving said advice, plaintiff remodeled and rehabilitated said premises, creating thirty (30) separate self-contained dwelling units.

The amount necessarily expended by plaintiff for said remodeling, rehabilitation and conversion was approximately \$39,000.00.

IX.

After the remodeling, rehabilitation and conversion was completed, any relying on the advice received from said officials, during September and October, 1947 plaintiff entered into written lease agreements with various persons, each providing for the rental by plaintiff of one of the newly created apartments to such persons.

X.

At the date of filing this complaint said premises are occupied by the defendants, other than Koepke, which defendants are hereafter referred to as the tenant defendants. Each of the tenant defendants occupies the apartment in which he is living under a written lease agreement between him or him and other tenant defendants and the plaintiff. The dates upon which said tenant defendants executed the lease agreement to which he is party, [9] the amount of rent agreed to be paid by him in such agreement, the apartment which is covered by such lease agreement and the proposed maximum rental for said apartment which will be purportedly fixed by defendant Koepke unless restrained by this Court are set forth in Exhibit A hereof which is by this reference incorporated herein and made a part hereof as though herein fully set forth.

XI.

Plaintiff contends that by reason of the foregoing facts said housing accommodations were not and are not subject to the Housing and Rent Act of 1947, as amended, at any time from and after September 1, 1947, nor to any regulation or order issued by the Housing Expediter, nor to any order issued by defendant Koepke in the exercise of his delegated authority. Defendants contend that by reason of the foregoing facts said housing accommo-

dations are subject to the Act, and to regulations or orders issued thereunder by the Housing Expediter or by defendant Koepke in the exercise of his delegated authority. [10]

XII.

On September 2, 1948, in proceedings in defendant Koepke's office, described as Docket No. 271860, said defendant issued and mailed to plaintiff notices in writing advising him that said defendant proposed to issue orders fixing maximum rents for the said apartments, and to require plaintiff to refund to the tenant defendants and to other persons who had theretofore occupied said apartments certain amounts theretofore and thereafter paid and to be paid to plaintiff by defendants other than Koepke.

XIII.

The Housing Expediter has not established any administrative procedure which will permit plaintiff to secure a declaration that said housing accommodations are not "controlled housing accommodations" within the meaning of the Housing and Rent Act of 1947, as amended, which would be binding upon the tenant defendants. Plaintiff heretofore requested an opinion from defendant Koepke relative to the status of said housing accommodations and an opinion was rendered rejecting plaintiff's contention that said accommodations were decontrolled within the meaning of said Act, as amended. Said opinion is not an order, does not bind or affect the defendant tenants, and in connection with such opinions it has been expressly directed by the Housing Expediter that there shall be no administrative review of or appeal from the same. Nevertheless, plaintiff is informed and believes, and therefore alleges, that said opinion has been expressly approved by

the Regional Rent Director of the Office of Rent Control, Office of the Housing Expediter, and is based upon a similar opinion by the Housing Expediter.

XIV.

Unless restrained and enjoined therefrom by this Court, defendant Koepke threatens to and will do the following things: [11]

(a) Issue an order or orders purportedly fixing a maximum rent or rents for the apartments in said premises;

(b) Issue an order or orders purportedly requiring plaintiff to refund to the tenant defendants and others who have been tenants of plaintiff in said premises amounts heretofore collected by plaintiff as rentals therefor; and

(c) Advise the litigation division of the Los Angeles Defense-Rental Area office that plaintiff has committed violations of the Housing and Rent Acts of 1947 and 1948 and request them to commence an action or actions against plaintiff to attempt to restrain and enjoin plaintiff from demanding or receiving from tenants in said premises any amounts in excess of those fixed by defendant Koepke's order or orders and to require plaintiff to make the refunds which said order or orders will purportedly require.

XV.

Plaintiff is informed and believes, and therefore alleges that if said order or orders are issued as proposed the tenants of said housing accommodations would refuse to pay rent in excess of the amount specified therein and it would become necessary for plaintiff to bring successive

actions at law to recover the rents to which he is and will be entitled, or to bring successive actions in unlawful detainer to evict the present tenants of said housing accommodations, or future tenants of said housing accommodations, for non-payment of rent, and in each of said actions each of said tenants would contend that said order or orders issued by defendant Koepke were valid and prevented a recovery by plaintiff in such actions.

XVI.

Plaintiff is collecting rentals from tenants of said housing accommodations at the rate of approximately \$2800.00 per month, and if said order is issued it will purport to reduce the amounts which plaintiff may lawfully charge and collect from said tenants to approximately \$1200.00 per month, and by the issuance of said order plaintiff will suffer irreparable injury. [12]

Wherefore, plaintiff prays judgment as follows:

(1) That a temporary restraining order, and preliminary and final injunction issue restraining and enjoining defendant, Koepke, his agents, servants, and employees, and all persons acting in concert with him from doing, or from attempting to do, directly or indirectly, any of the following acts:

(a) Issuing or purporting to issue the proposed or any order or orders fixing or purporting to fix a maximum rent or rents for the premises known as 660 West Jefferson, Los Angeles, California, or for any part thereof:

(b) Claiming or asserting that on September 1, 1947, or at any time since that date here was, or has

been, or is a maximum rent for the premises at 660 West Jefferson, Los Angeles, California, or for any part thereof;

(c) Taking any steps or proceeding intended to or attempting to enforce any order such as described in subparagraph (a) above, or to enforce any claim or assertion such as is described in subparagraph (b) above;

(2) That an order to Show Cause issue ordering defendant Koepke to show cause, if any he has, at a date, place and time fixed by the Court, why a preliminary injunction should not issue against him restraining him during the pendency of this action from doing any of the acts specified in (1) above;

(3) That this Court declare the respective rights and duties of the parties hereto under the Housing and Rent Acts of 1947 and 1948 with respect to the premises known as 660 West Jefferson, Los Angeles, California, and the various portions thereof rented to tenant defendants, and particularly that this Court declare that defendant Koepke has no power, authority or jurisdiction to issue any order of any kind with respect thereto;

(4) For plaintiff's costs of suit herein; and

(5) For such other and further relief as may to the Court seem meet and just in the premises.

BENT AND CLAPP

By (Signed) Austin Clapp

Attorneys for Plaintiff [13]

EXHIBIT A

Name of Defendant	Apt. No.	Date of Lease	Month Under Lease Rent per	Maximum Rent Purported
Melvin G. King and Jamies F. King	102	8/ 8/42	\$125.00	\$50.00
A. Vanca, C. Gaffney, N. J. Patterson and W. R. Wilkins	103	10/16/47	125.00	47.50
Gertrude Silverstein and Dorothy Haylanski	105	1/29/48	110.00	47.50
John W. Castle	106	2/25/48	90.00	37.50
Richard L. Nugent and Byron Long	107	1/23/48	90.00	37.50
Robert H. Kent and Eunice E. Kent	108	1/17/48	90.00	37.50
Eleanor Chesarek	109	10/20/47	90.00	37.50
William Robinson and Tom Stillwell	110	8/14/48	110.00	42.50
S. D. Taylor and Bea Taylor	202	1/18/48	110.00	45.00
Olga Schmel	203	7/21/48	90.00	37.50
Barbara Negley	204	10/24/47	90.00	37.50
Claire Prater and Lula Mae Stewart	205	3/10/48	90.00	37.50
Ellen Van Goethem	206	8/ 1/48	110.00	47.50
Lorraine Farlowe	207	4/23/48	90.00	37.50
Mr. and Mrs. R. B. Miller	208	10/11/47	90.00	37.40
Max Taylor and David Allen	209	10/13/47	100.00	42.50
Larua Folan and Frank T. Folan	210	8/ 9/48	90.00	37.50

Name of Defendant	Apt. No.	Date of Lease	Rent per Month Under Lease	Purported Maximum Rent
Joan Engelhardt	301	9/20/47	110.00	50.00
Jewell Ely, Elizabeth Walker, Leslie Ely	302	9/21/47	100.00	45.00
Mr. and Mrs. F. R. Cheney	303	9/24/47	90.00	37.50
				[14]
Sol Seltzer and Sam Lazerwitz	304	6/ 1/48	90.00	37.50
Glenna Wallace and Dorothy Dunker	305	10/ 1/47	90.00	37.50
Marion Clark and Dorothy Burtch	306	9/20/47	100.00	47.50
Lambert Bayhi and L. A. Ohlgren	307	10/ 8/47	90.00	37.50
Theresa Spunzo and June Carlson	308	10/13/47	90.00	37.50
W. Marsden and P. Smith	309	10/13/47	100.00	42.50
Andrew J. Starr	310	10/ 6/47	90.00	37.50
				[15]

POINTS AND AUTHORITIES

The statute itself excludes from the category of controlled housing accommodations, and consequently from its application, housing accommodations which were not rented from February 1, 1945 to January 31, 1947, both dates inclusive.

Housing and Rent Act of 1947, Pub. L. 129, 80th Cong., Sec. 202(c)(3)(b).

The prohibitions of the Act, and the regulation of evictions thereunder, expressly relate only to "Controlled" housing accommodations.

Housing and Rent Act of 1947, Secs. 204(b), 206(a), 209(a).

Premises are not "rented" within the meaning of the rent control acts and regulations unless the conventional relationship of landlord and tenant exists.

Moss v. Williams, 84 A. C. A. 1064, 191 Pac. (2d) 804.

The office of the Housing Expediter and its predecessor agencies have consistently ruled (until this case arose) that a landlord may set his own tentative rental upon a new combination of rooms offered by him where and because the combination was "not rented" on March 1, 1942 or during the two months ending on that date.

Rent Regulations for Housing, Section 4(e), 10 F. R. 3436.

Rent Regulation for Housing, Official Interpretations (Rev. July 1, 1945) issued by Office of Price Administration, Washington, D. C. pages 40-48.

Hearings Before the Committee on Banking and Currency, 80th Congress, 1st Session, March 17-28, 1947, pages 100-101; pages 158-159 Statement of Ivan D. Carson, then Deputy Commissioner for Rent, Office of Price Administration, Office of Temporary Controls.

The Housing Expediter's authority (and necessarily that of his subordinates) is expressly limited to regulations and orders "consistent" with the Act.

Housing and Rent Act of 1947, Sec. 204(d). [16]

Where a defendant is an official and attempts to interfere with contractual relations between other individuals by acts in excess of the statutory authority given to the agency by which he is employed:

(a) He commits a tort;

Imperial Ice Co. v. Rossier, 18 Cal. (2d) 33, 112 Pac. (2d) 631.

Nine Safety Appliances Co. v. Forrestal, 326 U. S. 371, 373, see especially footnote 3, p. 373.

(b) He may be restrained from such conduct in the jurisdiction where he is acting without joining his official superior.

Williams v. Fanning, 68 S. Ct. 188.

Noce v. Edward C. Morgan Co., 106 Fed. (2d) 746.

An injunction may be granted against a public officer when it appears that the officer is acting illegally.

Brock v. Superior Court, 11 Cal. (2d) 682, 81 Pac. (2d) 931.

Loftis v. Superior Court, 25 Cal. App. (2d) 346, 77 Pac. (2d) 491.

And a temporary injunction may be granted under such circumstances.

Agricultural Prorate Commission v. Superior Court, 31 Cal. App. (2d) 518, 88 Pac. (2d) 253.

Where it is apparent that resort to administrative remedies would be useless, an action for injunction is not premature because of failure to resort to such remedies.

Gamerren v. Fresno, 51 Cal. App. (2d) 235, 124 Pac. (2d) 621.

A Fortiori, this is so, where the reviewing body has no more jurisdiction than the inferior agency.

Where an agent of the Government acts without authority . . . he ceases to act in an official capacity and a suit against him is not a suit against the Government . . . It follows that the exemption if the Government from suit does not exempt or protect its officers from being sued when they are proceeding without authority . . .

Oklahoma v. Guy F. Atkinson Co., et al., 37 F. S. 93, at p. 96; affirmed 313 U. S. 508, 61 S. Ct. 1050, 85 L. Ed. 1487; State of Colorado v. Toll, 268 U. S. 228; Land v. Dollar, 330 U. S. 731. [17]

[Verified.]

[Endorsed]: Filed Sep. 21, 1948. Edmund L. Smith, Clerk. [18]

In the Superior Court of the State of California in and for the County of Los Angeles

Frank W. Babcock, Plaintiff, vs. Ben C. Koepke, et al.,
Defendants. No. 549890.

ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER

Upon reading plaintiff's verified complaint, heretofore filed herein, and good cause appearing therefor,

It Is Ordered, that defendant Ben C. Koepke, Area Rent Director, Los Angeles Defense-Rental Area, Office of Rent Control, Office of the Housing Expediter, be and appear before the above-entitled court, in Department 34 thereof, in the City Hall, City of Los Angeles, County of Los Angeles, State of California, on the 24th day of September, 1948, at 9:30 A. M. of said day, or soon thereafter as counsel can be heard, then and there to show cause, if any he has, why he should not be enjoined and restrained during the pendency of this action and until final judgment herein, and why his agents, servants and employees and all persons acting in concert with him should not be similarly restrained and enjoined from:

(a) Issuing or purporting to issue the proposed or any order or orders fixing or purporting to fix a maximum rent or rents for the premises known as 660 West Jefferson, Los Angeles, California, or for any part thereof; [19]

(b) Claiming or asserting that on September 1, 1947, or at any time since that date there was, or has been, or is a maximum rent for the premises at

660 West Jefferson, Los Angeles, California, or for any part thereof;

(c) Taking any step or proceeding intended to or attempting to enforce any order such as described in subparagraph (a) above, or to enforce any claim or assertion such as is described in subparagraph (b) above;

It Is Further Ordered that pending the hearing upon the foregoing order to show cause the defendant Ben C. Koepke, his agents, servants and employees, and all persons acting in concert with him be, and they hereby are, and each of them is, enjoined and restrained from doing or attempting to do, directly, or indirectly, any of the acts mentioned in the preceding paragraph as to which the said Koepke is to show cause why he should not be enjoined and restrained from doing during the pendency of this action and until final judgment herein;

It Is Further Ordered that plaintiff shall serve a copy of this Order, together with a copy of the summons and complaint in this action on defendant Koepke by September 18, 1948.

Dated: Sept. 16, 1948.

Bond \$500.00.

CLARENCE M. HANSEN (S)

Judge of the Superior Court

[Endorsed]: Filed Sep. 21, 1948. Edmund L. Smith, Clerk. [20]

[Title of District Court and Cause]

ORDER ENJOINING FURTHER PROCEEDINGS
IN STATE COURT IN REMOVED CASE

The defendant B. C. Koepke (sued herein as Ben C. Koepke) having filed his petition for removal of the action styled Frank W. Babcock vs. Ben C. Koepke, et al., Case No. 549,890 in the Superior Court of the State of California, in and for the County of Los Angeles, to the District Court of the United States for the Southern District of California, Central Division, together with a copy of all process, pleadings or orders served upon him and having thereupon filed a copy of said petition for removal in said Superior Court with the Clerk thereof, and having thereupon served upon plaintiff Frank W. Babcock a written notice of the filing of said petition in this District Court, and this Court being fully advised concerning in the premises,

Now, Therefore, this Court finds that there has been full compliance with the provisions of Sections 1446, subdivisions (a) to (f) inclusive of the United States Judicial Code as said sections become effective on September 1, 1948, and this Court further finds that by virtue of the foregoing proceedings the said action now stands removed to the United States District Court for the [21] Southern District of California, Central Division, and that nothing further remains to be done by petitioner to effect said removal, and

It Is Ordered that the plaintiff Frank W. Babcock, his agents, servants, employees, attorneys and all other per-

sons acting in concert or participation with him be and are restrained and enjoined from continuing with or taking any further steps for or in connection with the prosecution of the case of Frank W. Babcock vs. Ben C. Koepke, et al., Case No. 549,890, in the Superior Court of the State of California, in and for the County of Los Angeles.

Dated: Los Angeles, California, this 22nd day of September, 1948.

LEON R. YANKWICH

Judge

[Endorsed]: Filed Sep. 22, 1948. Edmund L. Smith, Clerk. [22]

[Title of District Court and Cause]

MOTION OF BEN C. KOEPKE TO DISMISS THE COMPLAINT

Defendant Ben C. Koepke moves the Court to dismiss the above entitled cause for the following reasons:

1. This defendant as Area Rent Director of the Los Angeles Defense Rental Area Office is a subordinate official subject to the orders of his superior who is Tighe E. Woods, Housing Expediter, Office of the Housing Expediter, an independent agency of the United States, as appears from the complaint, and cannot be sued or enjoined unless said Housing Expediter is properly made a party to the action.

2. That Tighe E. Woods, Housing Expediter, Office of the Housing Expediter, is a necessary and indispensable party-defendant to this action, and no service has been obtained or can be obtained upon said Tighe E. Woods, since his official residence is in Washington, D. C. Therefore this suit must be dismissed because there is no jurisdiction over said Tighe E. Woods as a necessary and indispensable party-defendant. [23]

3. The within action is attempted to be maintained as a suit against the United States of America which has not consented to be sued herein.

4. The complaint herein fails to state a claim upon which relief can be granted.

Dated: Los Angeles, California, this 27th day of September, 1948.

ABE I. LEVY
STEPHEN D. MONAHAN
FRANK L. HIRST
RICHARD G. SOLOF
BENJAMIN CHAPMAN

By Benjamin Chapman

Attorneys for Defendant Ben C. Koepke [24]

[Affidavit of Service by Mail.]

[Endorsed]: Filed Sep. 27, 1948. Edmund L. Smith, Clerk. [25]

[Title of District Court and Cause]

AFFIDAVIT OF B. C. KOEPKE IN SUPPORT OF
HIS MOTION TO DISMISS

State of California

County of Los Angeles—ss.

I, B. C. Koepke, having been first duly sworn, depose
and say as follows:

That I am the person sued herein as Ben C. Koepke.

That I am Area Rent Director for the Los Angeles
Defense Rental Area Office of the Office of the Housing
Expediter. My authority as Area Rent Director does
not include the authority to commence court actions pur-
suant to the provisions of the Housing and Rent Act of
1947 as amended. Insofar as court actions are concerned
my authority goes so far only as to receive complaints
and investigate violations or suspected violations of said
Act and Regulations and in appropriate cases to refer
such matters to the Litigation Section of the Office of
the Housing Expediter in Los Angeles for its acceptance
or rejection.

Dated: Los Angeles, California, this 28th day of Sep-
tember, 1948.

B. C. KOEPKE

Area Rent Director

Subscribed and sworn to before me this 28 day of Sep-
tember, 1948.

(Seal)

H. C. ZECH

Notary Public in and for the Above County and
State

My Commission Expires 10/26/51 [26]

[Affidavit of Service by Mail.]

[Endorsed]: Filed Sep. 29, 1948. Edmund L. Smith,
Clerk. [27]

[Title of District Court and Cause]

AFFIDAVIT OF TIGHE E. WOODS, HOUSING
EXPEDITER, IN SUPPORT OF MOTION OF
DEFENDANT, BEN C. KOEPKE, INDIVIDU-
ALLY, AND AS AREA RENT DIRECTOR, LOS
ANGELES DEFENSE-RENTAL AREA, OF-
FICE OF THE HOUSING EXPEDITER, TO
DISMISS THE COMPLAINT

Tighe E. Woods, being first duly sworn, deposes and
says:

That he is presently the duly appointed and qualified
Housing Expediter of the Office of the Housing Expediter,
pursuant to appointment as Acting Housing Expediter by
the President of the United States in Executive Order
dated November 1, 1947 (12 F. R. 7265), and by appoint-
ment during recess of the Senate on December 20, 1947
as Housing Expediter, said appointment as Housing Ex-
pediter having been confirmed by the United States Senate
on April 30, 1948 (Cong. Rec. Vol. 94, No. 78, at page
5237, April 30, 1948), that as such official, affiant is now
and has been since said date [28] of appointment, admin-
istering the powers, functions, and duties under the Hous-
ing and Rent Act of 1947 (50 U. S. C. App. Sec. 1881,
et seq.), as is provided in Section 204(a) thereof; that his
official residence now is and at all times since November
1, 1947, has been in the City of Washington, District of
Columbia; that his home is not in the State of California,
and he is not an inhabitant thereof.

Affiant further says that at no time has he, as Housing
Expediter, been personally served with summons or other
process in the above entitled action; that at no time has
a copy of the Summons or a copy of the Complaint, either
or both, in the within action, been delivered to or left at

the usual place of abode of affiant since institution of the within action, and that affiant, since his appointment, has at no time authorized or appointed any person his agent to accept or receive service of summons or other process for or on his behalf in the within action, or in any other action.

TIGHE E. WOODS

Subscribed and sworn to before me this 27th day of September, 1948.

(Seal)

KATHERINE L. WEED

Notary Public in and for the City of Washington,
District of Columbia

My Commission expires 3/31/53 [29]

[Affidavit of Service by Mail.]

[Endorsed]: Filed Sep. 29, 1948. Edmund L. Smith,
Clerk. [30]

[Title of District Court and Cause]

AFFIDAVIT FOR AND ORDER GRANTING CON-
TINUANCE OF HEARING ON MOTION TO
DISMISS

Austin Clapp, being first duly sworn, deposes and says:

He is attorney for the plaintiff in the above-entitled action. A motion to dismiss as against the defendant Ben C. Koepke has been filed by that defendant and has been noticed for hearing before this Court on October 18, 1948 at 10:00 o'clock A. M.

This action was filed on September 16, 1948 and the Motion to Dismiss was filed on or about the 28th day of September, 1948. On September 21, 1948, a petition for

removal of this case from the Superior Court of the State of California in and for the County of Los Angeles to this Court had been filed and served on affiant, and on September 22, 1948 there was served on affiant an Order Enjoining Further Proceedings in State Court, issued by this Court.

Since the 16th day of September, 1948, in addition to carrying on the general work of his office, affiant has been required to do extensive research upon the legal problems raised by this case. Affiant has been required to read and digest, among other things, the matters affecting rent control contained in six volumes of testimony before the Committees on Banking and Currency of the Senate and the House of Representatives, in The Congressional Record from January to and including June, 1947, and all of the reported opinions of the Administrator of the Office of Price Administration and of the Housing Expediter, relating to rent control. In addition, affiant has been required to do research to see whether or not a Petition for Removal was proper, and to consider whether or not a Motion to Remand the case to the State Court should be made.

Affiant is of the opinion that, in order properly to present the plaintiff's opposition to the Motion to Dismiss, it will be necessary to file a number of affidavits covering phases of this case and to prepare and submit a detailed brief dealing extensively, among other things, with the legislative history of the Provisions of the Housing Rent Act of 1947, as amended, which are involved herein.

It will be necessary for affiant to spend at least three (3) full working days in the preparation of the brief, and an additional four (4) working days to prepare the necessary affidavits. In addition, while it is not certain it

may be necessary for affiant to travel to San Diego to secure affidavits from Officers of the Eleventh Naval District who are stationed at San Diego, California.

The time available between the present time and the present date for the hearing on the Motion to Dismiss, namely, October 18, 1948, will not be sufficient to enable this work to be done and to enable the affidavits and brief to be served and filed in time to be read and considered either by the Court or by Counsel for the defendant Ben C. Koepke.

Wherefore, affiant prays that this Court issue its Order continuing the hearing of the Motion to Dismiss from the 18th day of October, 1948 to the 1st day of November, 1948 at the hour of 10:00 o'clock A. M. of said day.

AUSTIN CLAPP

Subscribed and sworn to before me this 8th day of October, 1948.

(Seal)

EARL A. LYON

Notary Public in and for the County of Los Angeles,
State of California

My Commission Expires June 7, 1949.

ORDER

Upon reading and filing the foregoing affidavit, and good cause appearing therefor,

It Is Ordered that the hearing of the Motion to Dismiss in the above entitled action, now set for October 18, 1948, be, and the same hereby is, continued to November 1, 1948, at the hour of 10:00 A. M. o'clock of said day at

the Courtroom of this Court in the Post Office Building,
312 No. Main Street, Los Angeles, California.

Oct. 8, '48.

PAUL J. McCORMICK

United States District Judge

[Endorsed]: Filed Oct. 8, 1948. Edmund L. Smith,
Clerk.

[Title of District Court and Cause]

AFFIDAVIT FOR AND ORDER GRANTING CON-
TINUANCE OF HEARING ON MOTION TO
DISMISS

State of California

County of Los Angeles—ss.

Austin Clapp, being first duly sworn, deposes and
says:

He is attorney for the plaintiff in the above entitled
action. A motion to dismiss action against the defendant
Ben C. Koepke has been filed by that defendant and has
heretofore been continued for hearing to November 1,
1948, at 10:00 o'clock A. M. The previous continuance
from October 18, 1948, to November 1, 1948, was based
on a prior affidavit estimating the time necessary to se-
cure and prepare affidavits and a brief in opposition to the
motion to dismiss.

Since said continuance was granted affiant has dili-
gently engaged in preparing said brief and seeking to
secure said affidavits. The affidavits sought are those of
Robert D. Fisher, Financial Vice President of the Uni-
versity of Southern California and of Helen Hall More-
land, Dean of Women of the University of Southern Cali-

fornia, as to certain Records and files of their respective offices relating to the use and occupancy of the premises at 660 West Jefferson, Los Angeles, California, during the period February 1, 1945 to and including January 1, 1947.

Up to the time of this affidavit said persons have refused to make said affidavits voluntarily and affiant is engaged in discussions with the firm of Stephens, Jones & La Fever, attorneys representing said University, for said persons in their official capacities, attempting to secure said affidavits, or, alternatively, to take the depositions of said persons.

Under Rule 26 of the Federal Rules of Civil Procedure, as amended, affiant has agreed with counsel for the defendant, Ben C. Koepke, to take said depositions on the 21st day of October, at 2:00 o'clock P. M. if it is necessary to do so. As a result of the foregoing facts it has been impossible for affiant to secure the evidence in question or to finish his brief in this matter in time to present the same to the court by October 20th, 1948, and in the event that it is necessary to take said depositions, in the opinion of affiant, he will be unable to present said depositions and his brief prior to November 1, 1948.

Wherefore, affiant prays that this Court issue its order continuing the hearing of the motion to dismiss from the first day of November, 1948, to the 22d day of November, 1948, at the hour of 10:00 o'clock A. M. of said day.

AUSTIN CLAPP

Subscribed and sworn to before me this 15th day of October, 1948.

(Seal)

EARL A. LYON

Notary Public in and for the County of Los Angeles,
State of California

ORDER

On reading and filing the foregoing affidavit, and good cause appearing therefor,

It Is Ordered that the hearing of the Motion to Dismiss in the above entitled action, now set for November 1, 1948, be, and the same hereby is continued to November 22, 1948, at the hour of 10:00 o'clock A. M. of said day in the Courtroom of this Court in the Post Office Building, 312 No. Main Street, Los Angeles, California.

Dated: October 15, 1948.

PAUL J. McCORMICK

United States District Judge

[Endorsed]: Filed Oct. 15, 1948. Edmund L. Smith, Clerk.

[Title of District Court and Cause]

PLAINTIFF'S REQUEST FOR ADMISSIONS

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, as amended, plaintiff hereby requests the defendant, Ben C. Koepke, within ten (10) days after the service of this request, to admit, for the purpose of the pending action only, as provided in said rule, that the following facts are true, and that the documents attached to this request are true copies of the originals thereof, and that the originals thereof are true and genuine documents, forming a part of the records of the Office of the Housing Expediter:

(1) That Edwin N. Dupree, Jr. occupied, at various times between January 1, 1943 and the present time, the offices of Senior Attorney, Rent Legal Division, Office of Price Administration; Chief Counsel, Rent Division, Office, of Price Administration; Chief Counsel, Rent Division, Office of Price [31] Administration, Office of Temporary Controls; and General Counsel, Office of Rent Control, Office of the Housing Expediter.

(2) That Edwin N. Dupree, Jr., as Senior Attorney, Rent Legal Division, Office of Price Administration, was a member of the Board of Review which rendered an opinion and recommendation in the matter of Mignon A. Weber, Office of Price Administration, Docket No. RPA - IV - 61 - P, reported at 3 Office of Price Administration, Opinions and Decisions, page 3468, et sequitur.

(3) That Edwin N. Dupree, Jr., as Chief Counsel, Rent Legal Division, Office of Price Administration, was a member of the Board of Review which rendered a report and recommendation in the matter of William B. Schwarz, Office of Price Administration, Docket No. RPA - IV - 53 - P, reported in 4 Office of Price Administration, Opinions and Decisions, page 3088, et sequitur.

(4) That Edwin N. Dupree, Jr., as Chief Counsel, Rent Legal Division, Office of Price Administration, Office of Temporary Controls, read and approved the prepared statement of Ivan D. Carson, the Deputy Commissioner for Rent, Office of Price Administration, Office of Temporary Controls, which statement was filed with the House of Representatives, Committee on Banking and Currency, 80th Congress, First Session, which appears on page 158, printed report of that committee, hearings on Rent Control.

(5) That Edwin N. Dupree, Jr., as General Counsel, Office of Rent Control, Office of the Housing Expediter, issued and approved the interpretations of Section 1 (b) (2) of the regulations issued under the Housing and Rent Act of 1947, as amended, which were issued on or about August 25, 1948, and appeared in Volume 13, Federal Register, page 5001, et sequitur. [32]

(6) That on March 16, 1948, in Docket No. 262,263 the Los Angeles Defense Rent Area Office, Office of Rent Control, Office of Housing Expediter, Defendant Ben C. Koepke issued an order rejecting the decontrol application of Amil Shab.

(7) That on June 23, 1948, Ward Cox, as Regional Housing Expediter, Region VIII, Office of the Housing Expediter, in Docket 8-LA-262,263 of his office, issued an opinion and order affirming the order of the defendant B. C. Koepke, described in request number (6) above.

(8) That on October 7, 1948, J. Walter White, as acting Housing Expediter of the Office of the Housing Expediter in Docket No. RA-VIII-43 issued an opinion and order vacating the orders described in requests Numbers (6) and (7) above and dismissing the appeal of Amil Shab.

(9) That the copies of said orders of March 16, 1948, of June 23, 1948, and of October 7, 1948, attached hereto, are true and correct copies of said orders as the same appear in the records and files of the Office of the Housing Expediter.

Dated: October 15, 1948.

BENT AND CLAPP

By Austin Clapp

Attorneys for Plaintiff [33]

Office of Housing Expediter
Office of Rent Control
1206 Santee Street
Los Angeles 15, California

UNITED STATES OF AMERICA
OFFICE OF THE HOUSING EXPEDITER
OFFICE OF RENT CONTROL

Concerning: (Address of accommodations) 732½-734½
San Julian Street, Los Angeles, California

“City Hotel and Annex”

To: []

L L

Based upon the information furnished on Form D-95 (Application for Decontrol) and all other available information, the Rent Director has determined that all units in the establishment are not decontrolled by the Housing and Rent Act of 1947 for the reason checked [x] below:

1. [] The establishment was not, on June 30, 1947, a tourist home serving transient guests exclusively.
2. [x] The establishment was not, on June 30, 1947, commonly known as a hotel in the community.

3. [] The units listed on the attached schedule did not, on June 30, 1947, receive all of the services specified in the Housing and Rent Act of 1947.

4. []

The maximum rents for the housing accommodations remains as of June 30, 1947 unless changed by order, and any rent collected in excess of these amounts must be refunded to the tenants.

B. C. KOEPKE

Area Rent Director for the Los Angeles Defense
Rental Area

Mar 16 1948

(Date) [34]

Office of
THE HOUSING EXPEDITER
Regional Office 9th Floor
1355 Market Street
San Francisco 3, California
June 23, 1948

In Reply Refer to:

Mr. Amil Shab
c/o Ben & Clapp
Attorneys-at-Law
3780 West Sixth Street
Los Angeles 5, California

Re: Application for Review – Docket 8-La-262263
Concerning Housing Accommodations located at
732½ and 734½ San Julian Street, Los Angeles,
California

Enclosed herewith is a copy of an order this day issued
by the Regional Housing Expediter in the above matter

affirming the Rent Director's determination and denying your application for review.

Yours very truly

William Goldbaum

Regional Rent Attorney

By Hazel C. McKinnon

Hazel C. McKinnon

Regional Rent Examiner

Attachment

cc: B. C. Koepke, Director

Los Angeles Defense-Rental Area [35]

UNITED STATES OF AMERICA
BEFORE THE OFFICE OF THE HOUSING
EXPEDITER

In the Matter of the)	
Application for Review of)	
)	
Amil Shab,)	Docket 8-LA-262263
)	
Applicant)	

OPINION AND ORDER AFFIRMING DETER-
MINATION OF THE RENT DIRECTOR

On April 9, 1948, an application for review was filed by Amil Shab, herein called applicant, requesting a review of an order relating to housing accommodations located at 732½-734½ San Julian Street, Los Angeles, California, entered by the Rent Director for the Los Angeles Defense-Rental Area on March 16, 1948.

The order of the Rent Director determined that the housing accommodations in the subject establishment are not eligible for decontrol under the Housing and Rent Act of 1947, for the reason that the establishment was

not, on June 30, 1947, commonly known as a hotel in the community.

In his application for review, applicant states that he is the owner of the subject establishment and is the lessee of the adjoining property which is and has been commonly known as the City Hotel and in which certain rooms have heretofore been decontrolled. He states, further, that the rooms in the establishment which is the subject of this application for review were vacated prior to December 31, 1947, and that the applicant thereafter expended certain funds in rehabilitating the premises and that in January 1948 he commenced operating the subject establishment as an annex to the City Hotel. Applicant contends that the Housing and Rent Act of 1947, as amended, does not fix any time as to when an establishment must be commonly known as a hotel in order to qualify for decontrol and that it does not provide that existing hotel accommodations in establishments commonly known as hotels cannot be enlarged or that adjoining buildings cannot be made a part of a hotel under the same management. Applicant further contends that the Area Rent Director and the Housing Expediter are without jurisdiction to issue regulations or orders denying decontrol in a situation of this kind.

Answering first the contention of applicant that the Area Rent Director and the Housing Expediter are without jurisdiction to issue regulations or orders denying decontrol in a situation of this kind, the Regional Housing Expediter quotes Section 204(d) of the Housing and Rent Act of 1947, as amended, which reads as follows:

“(d) the Housing Expediter is authorized to issue such regulations and orders consistent with the provisions of this title, as he may deem necessary to carry out the provisions of this section and Section 202(c).” [36]

Upon review, the record of the area rent office shows that the establishment in question was not operated as a hotel on June 30, 1947, and was not commonly known as a hotel in the community on that date. It, therefore, does not meet the qualifications for decontrol as set forth in the Housing and Rent Act of 1947. The Regional Housing Expediter has considered this matter in the light of the recent amendments to the Housing and Rent Act of 1947, and it is his opinion that the subject establishment does not qualify for decontrol under the provisions of the amended Act and the Regulations.

Due consideration has been given to said application for review, to the record of proceedings before the Rent Director, and to the record of proceedings herein. Upon review, the Regional Housing Expediter is of the opinion that applicant's objections as set forth in his application for review are without merit. It is the further opinion of the Regional Housing Expediter that the record is sufficient to support the determination of the Rent Director that the establishment in question was not, on June 30, 1947, commonly known as a hotel in the community in which it is located and his action in rejecting applicant's application for decontrol is appropriately substantiated by the record and is otherwise in accordance with applicable law and regulations.

By virtue of the authority vested in the Housing Expediter by the Housing and Rent Act of 1947, as amended, and in accordance with applicable rent and procedural regulations issued thereunder, it is ordered that the determination of the Rent Director be, and it hereby is, denied.

Issued and effective this 23 day of June, 1948.

Ward Cox

Regional Housing Expediter for Region VIII
Office of the Housing Expediter [37]

UNITED STATES OF AMERICA
BEFORE THE OFFICE OF THE HOUSING
EXPEDITER

In the Matter of)	
)	
Amil Shab)	Docket No. RA-VIII-43
)	
Appellant)	

OPINION AND ORDER VACATING ORDERS
AND DISMISSING APPEAL

The appeal herein is from an order issue by the Regional Housing Expediter denying an application for review of an order entered by the Rent Director for the Los Angeles Defense-Rental Area on March 16, 1948¹ determining that the housing accommodations at 732½-734½ San Julian St., Los Angeles, California, were not eligible for decontrol as hotel accommodations under the Housing and Rent Act of 1947. The order was based upon the finding that the establishment was not commonly known as a hotel in the community on June 30, 1947.

The Housing and Rent Act of 1947, as amended, expressly removes from the scope of rent control

“ . . . those accommodations, in any establishment which is commonly known as a hotel in the community in which it is located, which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service . . . ”

¹Area Docket No. 8-LA-262263.

Appellant contends that its accommodations come within that statutory definition and that they are therefore decontrolled.

It is the opinion of the Housing Expediter that a determination under the statute of the control or decontrol status of the subject accommodations properly may be made by a court of competent jurisdiction and does not require in this instance determination by the Housing Expediter. The Housing Expediter, therefore, believes that it is unnecessary that he pass upon the merits of the case. Accordingly, it is appropriate that the orders of the Rent Director and the Regional [38] Housing Expediter be vacated.

The action taken herein does not constitute a finding upon the merits; the accommodations are decontrolled only if the requirements of Section 202(c) of the Housing and Rent Act of 1947, as amended, are satisfied. Further, this order which vacates the prior order rejecting the request for decontrol, must not be construed as a finding that the accommodations are decontrolled or that the orders of the Rent Director and Regional Housing Expediter were improper or invalid or that compliance or enforcement action, if warranted, will not be taken. The effect of the present action simply is to leave to a court of competent jurisdiction the function of making any required determination as to such decontrol or control status.²

Accordingly, by virtue of the authority vested in the Housing Expediter by the Housing and Rent Act of

²Appellant may, if desired, request a formal opinion from the appropriate Area office as to the present decontrol or non-decontrol status of the accommodations under the Housing and Rent Act of 1947, as amended April 1, 1948. Such opinion would not be subject to review or appeal.

1947, as amended, and pursuant to the provisions of the appropriate regulations issued thereunder, it is ordered that the order of the Rent Director, issued on March 16, 1948, and the order of the Regional Housing Expediter issued on June 23, 1948, be, and they hereby are, vacated; and that the appeal herein, Docket No. RA-VIII-43, be, and it hereby is, dismissed.

Issued and effective this 7 day of October, 1948.

/s/ J. Walter White

J. Walter White

Acting House Expediter

Certified to Be True Copy of Original

Katherine L. Weed,

Katherine L. Weed

Certifying Officer [39]

Office of
THE HOUSING EXPEDITER
Washington 25, D. C.
Oct 7 1948

In Reply Refer to:
GC-2-2

Registered Mail
Return Receipt Requested

Bent and Clapp, Esqs.
3780 West Sixth Street
Los Angeles, California

Re: Docket No. RA-VIII-43
Amil Shab

Gentlemen:

Enclosed is a certified copy of an Opinion and Order Vacating Orders and Dismissing Appeal, issued on Oc-

tober 7, 1948, by J. Walter White, Acting Housing Expediter, in the matter of the above docketed appeal.

Sincerely yours,

Katherine L. Weed

KATHERINE L. WEED

Certifying Officer

Enclosure

[Endorsed]: Filed Oct. 19, 1948. Edmund L. Smith, Clerk. [40]

[Title of District Court and Cause]

REPLY TO PLAINTIFF'S REQUEST FOR
ADMISSIONS

Answering plaintiff's request for admissions, defendant Ben C. Koepke admits or denies as follows:

I.

Admits Items 1, 2, 3, 5, 6, 7, 8, and 9 of plaintiff's request for admissions.

II.

Fails to admit or deny Item 4 of plaintiff's request for admissions on the ground that this defendant has insufficient information on which to base such admission or denial.

Dated: Los Angeles, California, this 20th day of October, 1948.

BEN C. KOEPKE [41]

[Verified.] [42]

[Affidavit of Service by Mail.]

[Endorsed]: Filed Oct. 20, 1948. Edmund L. Smith, Clerk. [43]

[Title of District Court and Cause]

AFFIDAVITS IN SUPPORT OF DEFENDANT'S
MOTION TO DISMISS, AND IN OPPOSITION
TO PLAINTIFF'S MOTION FOR PRELIMI-
NARY INJUNCTION AND ORDER TO SHOW
CAUSE

Plaintiff files herewith the following affidavits:

1. Affidavit of Joan Engelhardt.
2. Affidavit of Marion Clark.
3. Affidavit of Dorothy Burtch.

Dated: Los Angeles, California, this 15th day of November, 1948.

ABE I. LEVY
STEPHEN D. MONAHAN
FRANK L. HIRST
RICHARD G. SOLOF
BENJAMIN CHAPMAN

By Benjamin Chapman
Attorneys for Defendant, Ben C. Koepke [44]

[Title of District Court and Cause]

AFFIDAVIT OF JOAN ENGELHARDT

State of California

County of Los Angeles—ss.

I, Joan Engelhardt, having been first duly sworn, depose and say as follows:

My name is Joan Engelhardt and I reside at Shrine Arms Apartments, 660 West Jefferson Boulevard, Los Angeles, California, in Apartment No. 301. I was a student at the University of Southern California from about September 20, 1946 until about June 20, 1948.

During that period I resided at 660 West Jefferson Boulevard, Los Angeles, which, during that period from about September, 1946 to June, 1947 was known as Sequoia Hall. I resided there pursuant to a written contract with the University of Southern California which was approved by my parent and which required me to pay as rent for the apartment I occupied the sum of \$115.00 per semester, of which the University was willing to accept payment pursuant to a convenient arrangement with the student. I paid the sum for the first semester all at one time. [45]

From September 20, 1946 to about January, 1947 I occupied Apartment 303 at the above address. This apartment consisted of a living room with one drop-down bed, a kitchen and a bath. The apartment was furnished. It had a double bunk bed and one bunk was occupied by me and another by my room-mate, Mary Alice Pearson. We were not permitted by the University to use the drop-down bed. Probably, the drop-down bed was not equipped with bedding. Each occupant in the apartment had a separate arrangement for rental with the University. The occupant's privileges were limited to their own apartments.

I am familiar with the general condition of four apartments at the time the University of Southern California occupied Sequoia Hall for its women students and the general condition of the same apartments after Mr. Frank W. Babcock became the landlord of the building.

I saw Apartment No. 301 when it was part of Sequoia Hall in 1946 and I have lived in it since September 20, 1947 and am now occupying it. When Mr. Babcock became landlord he took out a radiator, ran an electric cord down from the main lighting fixture to the base-board in the living room, added one bed placing it in the little

bedroom and removed the bunk beds and refurnished the apartment.

I lived in Apartment No. 303 from the beginning of the Fall semester in 1946 until about January 1947. I have seen the inside of the apartment since Mr. Babcock became the landlord. There have been no changes in the apartment other than the removal of the bunk bed and the active use of the wall bed and changes in furnishings and fixtures. Changes in furnishings and fixtures were made in all apartments that I am familiar with since Mr. Babcock became the landlord.

I lived in Apartment 305 about from January 1947 to June 20, 1947. I have seen the inside of the apartment from time to time since I moved out of it until the present time. There have been no changes in the apartment since Mr. Babcock became landlord except that he has refurnished the same.

I have visited Apartment No. 302 from time to time between September 1946 and the present. There have been no changes in the inside of this apartment other than the refurnishing of the same since Mr. Babcock became landlord. [46]

In the four apartments mentioned in the preceding portion of this affidavit no structural changes were made after Mr. Babcock became owner. There were no changes relating to walls, windows or doors other than repair or redecoration.

The apartments above mentioned were completely furnished prior to Mr. Frank W. Babcock becoming the landlord in the summer of 1947. The furnishings were in poor condition and Mr. Babcock replaced most, if not all, of the furnishings in the above mentioned apartments.

Dated: Los Angeles, California, this 9th day of November, 1948.

JOAN ENGELHARDT

(Subscribed and sworn to before me this 9th day of November, 1948.

(Seal)

H. C. ZECH

Notary Public in and for the Above County and State

My Commission expires Oct. 26, 1951 [47]

[Title of District Court and Cause]

AFFIDAVIT OF MARION CLARK

State of California

County of Los Angeles—ss.

I, Marion Clark, having been first duly sworn, depose and say as follows:

My name is Marion Clark and I reside at Shrine Arms Apartments, 660 West Jefferson Boulevard, Los Angeles, California, in Apartment No. 306. I am and have been a student at the University of Southern California from about February 3, 1947. During the period from about February 3, 1947 until June 13, 1947 I resided at 660 West Jefferson Boulevard, Los Angeles, which, during that period was known as Sequoia Hall. I resided there pursuant to a written contract with the University of Southern California which required me to pay as rent for the apartment I occupied the sum of \$115.00 per semester. I made a deposit of \$25.00 in December, 1946 to hold my reservation and signed a [48] contract with the University of California for the period of about February 3, 1947 to June 13, 1947. The University of

Southern California agreed to refund the deposit of \$25.00 if I notified them 60 days prior to about February 3, 1947, or was unable to occupy the premises on that date because of illness. Except for the above reasons, the \$25.00 deposit was not refundable, and the remainder of the \$115.00 for the semester was to be paid by me unless I could substitute an approved student who would take over the balance of my contract. The University was willing to accept payment pursuant to a convenient arrangement with the student. I paid the \$90.00 balance for this semester all at one time upon arrival at 660 West Jefferson Boulevard, Los Angeles.

From about February 3, 1947 until June 13, 1947 I occupied Apartment 310 at the above address. This apartment consisted of a living room, a kitchen and a bath. The apartment was furnished. It had a double bunk bed and one bunk was occupied by me and another by my room-mate, Dorothy Burtch. Each occupant in the apartment had a separate arrangement for rental with the University. The occupant's privileges were limited to their own apartments.

I saw Apartment No. 306 when it was part of Sequoia Hall in 1947 and I have lived in it since September 20, 1947 and am now occupying it. When Mr. Babcock became landlord he redecorated and refurnished, except for the refrigerator, the apartment. There were no structural changes made in this Apartment. Two closet doors and one bedroom door were rehung at our request. These doors, when brought up to the apartment, were used ones, and were marked with tape. On the tape was lettered "306". Both tape and doors were dusty and dirty. No further changes were made relating to walls, windows, or doors.

The apartments above mentioned were completely furnished, except for cooking utensils, dishes, and bedding, prior to Mr. [49] Frank W. Babcock becoming the landlord in the summer of 1947. The furnishings were in poor condition and Mr. Babcock replaced all of the furnishings, except the refrigerator, in this apartment.

Dated: Los Angeles, California, this 12th day of November, 1948.

MARION CLARK

Subscribed and sworn to before me this 12th day of November, 1948.

HEYBURN F. PRICE

Investigator

Pursuant to Authority of P. L. 862,
80th Congress, 13 F. R. 4533. [50]

[Title of District Court and Cause]

AFFIDAVIT OF DOROTHY BURTCH

State of California

County of Los Angeles—ss.

I, Dorothy Burtch, having been first duly sworn, depose and say as follows:

My name is Dorothy Burtch and I reside at Shrine Arms Apartments, 660 West Jefferson Boulevard, Los Angeles, California, in Apartment No. 306. I am and have been a student at the University of Southern California from about February 3, 1947. During the period from about February 3, 1947 until June 13, 1947 I resided at 660 West Jefferson Boulevard, Los Angeles, which, during that period was known as Sequoia Hall. I resided there pursuant to a written contract with the

University of Southern California which required me to pay as rent for the apartment I occupied the sum of \$115.00 per semester. I made a deposit of \$25.00 in December, 1946 to hold my reservation and signed a [51] contract with the University of California for the period of about February 3, 1947 to June 13, 1947. The University of Southern California agreed to refund the deposit of \$25.00 if I notified them 60 days prior to about February 3, 1947, or was unable to occupy the premises on that date because of illness. Except for the above reasons, the \$25.00 deposit was not refundable, and the remainder of the \$115.00 for the semester was to be paid by me unless I could substitute an approved student who would take over the balance of my contract. The University was willing to accept payment pursuant to a convenient arrangement with the student. I paid the \$90.00 balance for this semester all at one time upon arrival at 660 West Jefferson Boulevard, Los Angeles.

From about February 3, 1947 until June 13, 1947 I occupied Apartment 310 at the above address. This apartment consisted of a living room, a kitchen and a bath. The apartment was furnished. It had a double bunk bed and one bunk was occupied by me and another by my room-mate, Marion Clark. Each occupant in the apartment had a separate arrangement for rental with the University. The occupant's privileges were limited to their own apartments.

I saw Apartment No. 306 when it was part of Sequoia Hall in 1947 and I have lived in it since September 20,

1947 and am now occupying it. When Mr. Babcock became landlord he redecorated and refurnished, except for the refrigerator, the apartment. There were no structural changes made in this apartment. Two closet doors and one bedroom door were rehung at our request. These doors, when brought up to the apartment, were used ones, and were marked with tape. On the tape was lettered "306". Both tape and doors were dusty and dirty. No further changes were made relating to walls, windows, or doors.

The apartments above mentioned were completely furnished, except for cooking utensils, dishes, and bedding, prior to Mr. Frank W. Babcock becoming the landlord in the summer of 1947. [52] The furnishings were in poor condition and Mr. Babcock replaced all of the furnishings, except the refrigerator, in this apartment.

Dated: Los Angeles, California, this 12th day of November, 1948.

DOROTHY BURTCH

Subscribed and sworn to before me this 12th day of November, 1948.

HEYBURN F. PRICE

Investigator

Pursuant to P. L. 862, 80th Congress,
13 F. R. 4533.

[Endorsed]: Filed Nov. 16, 1948. Edmund L. Smith,
Clerk. [53]

[Title of District Court and Cause]

AFFIDAVIT OF IVY GRAY

State of California

County of Los Angeles—ss.

Ivy Gray, being first duly sworn, deposes and says:

From November 1, 1944 to August 31, 1947 I was employed by the University of Southern California as Assistant Resident of the University Residence Hall at 660 W. Jefferson Blvd., Los Angeles, California, which, during that period was known as Sequoia Hall.

The Resident was Mrs. Lorinne Pargellis.

During all of the period mentioned the premises were occupied by women students of the University of Southern California.

The duties of the Resident and Assistant Resident included supervision of the occupants in accordance with the Resi- [57] dence Rules for Women Students of the University. In so doing we were responsible to and directed by the Dean of Women of the University. During the period mentioned above both the Resident and I lived in the said premises in order to carry out our duties.

During this period two of the units were occupied respectively by Mrs. Pargellis and myself, one was used as a social room, and the remainder were assigned to students. The rooms were equipped with bunk beds for sleeping purposes, and, in general, two students were assigned to each room.

During the year 1944-1945, in the three largest units, which had three rooms available for sleeping and living purposes, two students were assigned to each of the two

larger rooms and a single student to the third, smaller room.

IVY GRAY

Subscribed and sworn to before me this 16 day of November, 1948.

(Seal)

AUSTIN CLAPP

Notary Public in and for the County of Los Angeles,
State of California.

[Endorsed]: Filed Nov. 17, 1948. Edmund L. Smith,
Clerk. [58]

[Title of District Court and Cause]

AFFIDAVIT OF HUGH C. WILLETT

State of California

County of Los Angeles—ss.

Hugh C. Willett, being first duly sworn, deposes and says: I am now and have been since November 1, 1944, and prior thereto, Director of Admissions and Registration of the University of Southern California.

During each scholastic year, including the scholastic years 1944-1945, 1945-1946, 1947-1948, there has been published by the University of Southern California a booklet entitled, "Circular of Information." The purpose of publishing this booklet, among other things, is to advise prospective students concerning the requirements which must be met for admission, registration, and relating to probation and disqualification, tuition and fees, university residence and student residence.

Exhibit "A" attached hereto is a photostatic copy of [59] certain pages from the "Circular of Information" published by the University of Southern California for

use during the scholastic year, 1944-1945. These photostats are true and correct copies of the pages contained in said bulletin. Said bulletin, containing said pages, was distributed by and in use by officials and students of the University of Southern California during the scholastic year, 1944-1945.

Exhibit "B" attached hereto is a photostatic copy of certain pages from the "Circular of Information" published by the University of Southern California for use during the scholastic year, 1945-1946. These photostats are true and correct copies of the pages contained in said bulletin. Said bulletin, containing said pages, was distributed by and in use by officials and students of the University of Southern California during the scholastic year, 1945-1946.

Exhibit "C" attached hereto is a photostatic copy of certain pages from the "Circular of Information" published by the University of Southern California for use during the scholastic year, 1946-1947. These photostats are true and correct copies of the pages contained in said bulletin. Said bulletin, containing said pages, was distributed by and in use by officials and students of the University of Southern California during the scholastic year, 1946-1947.

Exhibit "D" is a photostatic copy of the form of application for admission used by students during the scholastic year, 1945-1946 and is a true and correct copy of the form in use during that scholastic year. Substantially identical forms were in use during the scholastic years 1944-1945 and 1946-1947.

After examination and evaluation of a student's application for admission and his credentials submitted therewith upon acceptance of him as a student by the university, there was during the scholastic years 1944-1945, 1945-1946 and 1946-1947 [60] issued to such student a registration permit indicating the acceptance of his application for admission and permitting him to become a student at the university by registration. Exhibit "E" is a copy of the form of registration permit now used by the University of Southern California. Substantially equivalent forms were used in preceding years.

HUGH C. WILLETT

Subscribed and sworn to before me this 16 day of November, 1948.

(Seal)

AUSTIN CLAPP

Notary Public in and for Said County and State of California [61]

EXHIBIT A

To Affidavit of Hugh C. Willett

Excerpts from University of Southern California

"Circular of Information"

1944-1945

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Admission

Recommendations For Teachers' Credentials

The School of Education of the University has been accredited for the training of teachers and has been authorized to issue recommendations to students who comply with the general requirements of the State Board of Education for the following credentials: Administration; Su-

pervision; Junior College; General Secondary; General Junior High School; General Elementary; Kindergarten-Primary; Child Welfare and Supervision of Attendance; Special Secondary in Art, Business Education, Music, Physical Education, Continuation Education, Librarianship.

ADMISSION

Application For Admission

Application for admission to the University may be made by mail or in person at the University Office of Admissions. Application forms will be furnished on request. Students who seek admission will please request the registrars of institutions previously attended to forward official transcripts of record direct to the Office of Admissions. The University does not undertake to collect the credentials of prospective students.

Certificates of permission to register will be issued to applicants whose credentials are found to be acceptable. Other applicants will be advised as to conditions to be met for admission. Applications and high school records should be filed as early as possible to avoid delay at registration.

Directions to Applicant for Admission to the University

Before your eligibility for admission can be determined, it is necessary for the Office of Admissions to receive your formal application for admission, an official certificate of your high school work, and official transcripts of record from all collegiate institutions which you may have attended. The following procedure is recommended:

1. Send for the bulletin you desire and an application blank for admission.
2. Complete the application for admission and mail it to the Office of Admissions.
3. Request the principal of the high school from which you graduated and the registrars of colleges you have attended to send official transcripts of your record to the Office of Admissions.
4. Address to the Office of Admissions any questions you may have concerning your admission or the standing you will be allowed in the University. [62]

Admission

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5. If you are accepted for admission to the University, you will receive an Admission Credit Summary. Preserve this credit summary, which is also your permit to register, and present it at the place of registration.
6. The Scholastic Aptitude Test is required of all students entering the freshman class or the University Junior College.

Admission By Certificate From High School

General Statement: Graduates of accredited senior high schools, or other accredited secondary schools, who give satisfactory evidence of good character and intellectual promise and who meet the following unit and grade requirements are eligible for admission to freshman standing. The admission of any student is tentative, pending the report of the University medical examiners.

Unit Requirement: fifteen units of credit in subjects accepted for graduation from high school, including (a)

3 units of English; (b) 7 other units in academic subject;¹ (c) 5 units in either academic or nonacademic subjects.

Although a student who is otherwise eligible will be accepted for admission if his 15 entrance units include 3 of English and 7 other units in academic subjects, it will be to his advantage to present for admission at least 2 units of a foreign language, 1 unit of United States history and civics, 1 unit of a natural science with laboratory, 1 unit of algebra, and 1 unit of geometry. Any of these subjects not presented for admission will be regarded as "entrance subject shortages," which must be removed by appropriate courses taken in college or by other methods approved by the Office of Admissions. College courses taken to remove entrance subject shortages, except in the case of algebra, will also give college credit.

Grade Requirement: a scholarship record which places the applicant for admission in the upper half of his high school class. The placement of a student in his class is determined by the high school principal and is reported by him to the University.

In view of the fact that some schools do not rank the members of their graduating classes, and that under some circumstances placement in a class is not significant, especially if the class is small, the University reserves the right to substitute for the above grade requirement any of the following: (1) 8 units of certificate or recommending grade in the last three years of high school work; (2) passing grades in assigned examinations of the College Entrance Examination Board; (3) a satisfactory score in the Scholastic Aptitude Test;² (4) evidence that the high school record would admit the applicant without condition to a college or university of high standing in the state in which the high school work was completed.

¹For admission purposes the following subjects are considered to be *academics*: English, foreign languages, history, mathematics, sciences, social sciences. For admission to the College of Commerce and Business Administration only, the following also are considered to be *academic*: economic geography, economic history, business correspondence, business arithmetic, business law, and business organization.

Fewer than 7 additional units in academic subjects may be accepted in the case of a student who graduates in the highest tenth of his class, and who is recommended for college admission by his principal. Each case will be considered on its individual merits.

²The Scholastic Aptitude Test is required of all freshman and University Junior College entrants. This test will be given at the University on several dates during the year. See the University Calendar.

The Graduate School

1. Applications. Application for admission to the Graduate School is made at the Office of Admissions, where the applicant's credentials are filed and evaluated. To insure early consideration credentials should be filed at least one month previous to the first day of official registration.

2. Credentials. The student's credentials should include certified transcripts from the records of institutions previously attended, listing all preceding courses, with their unit values and the grades attained.

3. Requirements. A Bachelor of Arts degree, or its equivalent, from an accredited college or university admits the holder to the Graduate School. Admission to candidacy for a graduate degree, under the jurisdiction of the Graduate School, is a separate and subsequent step, to be initiated by the student himself at the office of the Graduate School.

4. Transfers. Students who present evidence of having completed graduate work in other institutions will be given a statement from the Office of Admissions regarding the availability of credit for such work at this University. In no case will more than 8 semester units of graduate work be accepted by transfer toward the master's degree.

5. Exceptions. In exceptional cases—falling outside the usual rules and practices concerning admissions—graduates of nonaccredited institutions or applicants adjudged to have the full equivalent of the standard bachelor's degree may be admitted to graduate studies after joint consideration by the Office of Admissions and the

Dean of the Graduate School. In such cases full graduate standing is reached only by action of the Council on Graduate Study and Research.

School of Research

Membership in the School of Research consists of five groups of persons, as follows: *Faculty*: (1) members of professorial rank whose duties involve supervision of graduate research; (2) others of rank of instructor or above, actively engaged in research, who have been recommended by their department heads and admitted by the Council. *Students*: including (1) every graduate on being formally admitted to candidacy for the degree of Doctor of Philosophy, who becomes *ipso facto* a member of the School of Research; and (2) other graduate students holding the master's degree (or equivalent) who have demonstrated undoubted capacity for research and who, on recommendation of their department heads, have been elected by the Council on Graduate Study and Research. *By Courtesy*: scholars and scientists, holding the Ph.D. (or [64]

Registration

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equivalent), desiring to pursue research, who on recommendation of the Director have been admitted to membership by vote of the Council Members by courtesy are released from all tuition charges and are afforded free auditing and library privileges.

REGISTRATION

Details of the registration procedure are contained in a special bulletin issued by the Registrar and distributed to students on the days of registration. The tests and examinations listed below are a part of registration procedure.

No student may attend classes without having presented either the class admission card or a special permit from the President.

Every student is required to register in person before entering upon his college work. The days and places of registration for each semester are announced in advance, and any student not registered before the first day of instruction is subject to a fee of three dollars for late registration. If registration is delayed until the first day of the second week of instruction, this fee is increased to five dollars and the student is subject to a reduction in the number of units of work he is permitted to carry.

Before registering, every student entering the University for the first time must have from the Office of Admissions a statement that his entrance credits are acceptable or a statement of the conditions under which he is permitted to register.

A Board of Faculty Advisers is appointed by the President to direct the registration of all students.

Lower division students will be assigned to faculty advisers, with whom they must confer in the arranging of programs and to whom they may go for advice in any problems connected with college life.

Upper division students are required to confer with and to have their study programs approved by the professors of their major subjects, who are their faculty advisers during the junior and senior years.

All foreign students who are admitted to the United States on a nonquota immigrant basis must take at least 12 units of semester, to satisfy the stipulation of their being admitted for study at an educational institution.

Subject requirements on courses and the work necessary for completion of subject shortages for admission must have precedence in the registration program of every student for every session until all such shortages are fully removed. (Although it is essential for a student to remove admission shortages in all subjects as soon as possible, he will not be required, prior to his junior year, to register for more than one such subject at a time.) [65]

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Registration

A student engaging in extracurricular activity or outside work that limits his time and exhausts his energy is subject to a limitation in the number of units he may carry in regular college work.

No student may register for more than 18 hours except as provided by the program of requirements for his degree or as approved by special action of the Student Scholarship Committee. This permission is not granted to any student in his first semester of residence or to any student who is on warning or probation.

Students who are planning to return to college after a semester's absence should notify the Office of the Registrar, in writing, at least two weeks before the registration period.

Students should arrange for all necessary adjustments in their courses before registering for the last 30 units required for the degree, and those expecting to receive degrees at the end of any session should file written notice at the Office of the Registrar at the beginning of the session.

Changes in Registration. No course may be added and no course may be dropped except through the Registrar's Office on blanks specifically provided. The student must

secure the written approval of his faculty adviser before any change will be made at the Registrar's Office. Any change in a student's program after the first seven calendar days of the semester will involve a fee of two dollars. Students are advised to make no changes in registration after the close of that period. Students are not permitted to enter new courses after the close of the third week except for valid reasons and with the approval of the Student Scholarship Committee.

Withdrawal from a Course. A student is held responsible for all courses in which he registers unless he officially withdraws from a course. A student who withdraws from a course after the end of the seventh week of the semester will be assigned a grade of F (failed) unless he is doing passing work in that course at the date of official withdrawal.

Medical and Physical Examination. Each semester, before registering, all students must clear their health records through the Physical Education office. New† or re-entering‡ undergraduate and full-time graduate students (those taking 10 units or more of work), students living in residence halls, and students registering in physical education activity courses are required to pass a health examination given under the direction of the University Health Service (Department of Physical Education). This examination is a part of the registration procedure. The University may, upon the recommendation of the [66]

†*New*: any student who has not previously registered at this University.

‡*Re-entering*: any student who is returning after an absence of one semester or more.

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medical examiner, refuse registration to any entrant who is physically incapacitated for college work or whose health condition might be a menace to the health of other students.

GRADES, PROBATION AND DISQUALIFICATION, EXAMINATIONS AND ATTENDANCE

Grades

Scholarship Record. The significance of each of the several grades given, along with the marks, Iw, Ie, N, and W, is explained below:

A—Excellent.

B—Good.

C—Average.

D—Inferior.

F—Failed. This grade indicates that the student has failed at the end of the semester or has officially dropped the course while doing failing work after the end of the seventh week.

It is expected that the content elements of a course will be selected and organized so as to make it possible for approximately the middle half of a large class group to attain the degree of achievement represented by a C grade. In the several undergraduate departments the passing grades of undergraduate students should approximate the following distributions: (1) In upper division courses, A's, 10 per cent; B's, 30 per cent; C's, 50 per cent; D's, 10 per cent. (2) In lower division courses, A's, 5 per cent; B's, 25 per cent; C's, 50 per cent; D's, 20 per cent.

Iw—Incomplete work. Work satisfactory and of passing quality, but not fully completed because of serious

illness or for other excellent reasons reported by the student to the instructor before the close of the session. Additional work required to make up the deficiency, special examination not required in order to earn a passing grade in the course. The work should be completed during the succeeding semester. The deficiency must be removed within one calendar year, or the course must be repeated to secure credit therein.†

Ie—Incomplete. A shortage including final examination. Work satisfactory and of passing quality, but not fully completed because of serious illness or for other excellent reasons reported by the student to the instructor before the close of [67]

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the session. Special final examination required. The examination must be taken at a regular period of special examinations, as announced in the University Calendar, or, subject to approval of the instructor, at any regular final examination period in the course in which the Ie was earned. The examination should be taken during the succeeding semester, and the deficiency must be removed within one calendar year to secure credit in the course.†

N—Undetermined. Grade undertermined in a continuation course, but to be determined by the final grade in the last semester of this course as a whole. The use of this grade is restricted to the School of Law and the School of Medicine.

†If the work required for the completion of Iw or Ie above is properly authorized by the Registrar and the Comptroller and is completed satisfactorily within one calendar year, any of the passing grades may be assigned as determined by the instructor; otherwise, these marks are entered as X on the permanent record, with 0 grade-point credit.

†See footnote, page 141.

W—Withdrawn. Course officially dropped before the end of the seventh week of the semester, or after that period provided the work is of passing grade at the time of official withdrawal and there are valid reasons, such as serious illness, for the withdrawal. The course must be repeated if credit is desired therein.

Grade Points. A system of grade points is used to determine a student's general average or standing. Each student normally completes a certain number of units and secures a number of grade points each semester. Grade points are a measure of the quality of the work done in a course, as units are a measure of the amount.

Grade points are assigned to grades as follows:

- 3 grade points for each unit of grade A.
- 2 grade points for each unit of grade B.
- 1 grade point for each unit of grade C.
- 0 grade points for each unit of grade D, or for the marks Iw or Ie.
- 1 grade point for each unit of grade F.

Scholarship Average. The scholarship average of a student is equal to the total number of grade points divided by the total number of units attempted. The units attempted shall be units of record which bear the grades A, B, C, D, F, or the marks Iw or Ie.

Part-Semester Reports. At the end of the fifth week and again at the end of the tenth week of each semester each student doing unsatisfactory work in any course is notified of this fact by a card, which he is to take to the instructor and to his faculty adviser for consultation concerning means of improvement.

Semester Reports. At the end of each semester the student may secure his record in all courses taken during that period by filing at the Registrar's Office a self-addressed envelope for mailing the report. [68]

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Transcripts of Records. One complete transcript of record is furnished the student without charge; for each additional transcript a fee of one dollar is required with the application in advance. The application for the transcript of record must be made by the student himself, on the regular form supplied by the Registrar. In order to avoid possible errors, it should show the first date of attendance, the last date of attendance, the sessions in which the work was taken, and each name of the applicant in full, with the address as it was reported to the office when the work was taken. It should be filled out and filed at the Office of the Registrar at least two weeks before the transcript is needed. No transcript will be supplied for college work taken in other institutions.

Probation and Disqualification

The following regulations governing probation and disqualification for unsatisfactory scholarship apply to undergraduate students, both regular and special, registered for 6 or more units of credit in any division of the University, except the College of Dentistry, School of Medicine, School of Law, University Junior-College, Graduate School, and the several graduate professional schools.

Notice of Unsatisfactory Scholarship. After the tenth week in each term, the scholarship records of all students will be reviewed by the Student Scholarship Committee through its subcommittee, the Committee on Probationary Students. If a record is found to be unsatisfactory, notice will be sent by the Committee to the student and his parent. The notice will state that the student's record will be reviewed and his status determined before his reregistration in the University. This notice will be sent to a student whose previous term average falls below 0.5,

or who in the ten weeks' report receives unsatisfactory grades in half or more of the units on his registered program, or who is otherwise found to be seriously deficient in his academic achievement.

Probation. A student not already on probation will be placed on probation if his term average falls below 0.5 after he has been notified of his unsatisfactory scholarship. A student registered on probation must carry a program of at least 12 units in a regular term. A student on probation will be removed from probationary status if during a term of probation he makes a term average of 1.0 or higher.

Disqualification. A student will be subject to disqualification (1) if, after having been notified of his unsatisfactory scholarship, his term average falls below 0.0, or (2) if while on probation he fails to attain a term average of 0.5, or (3) if he has not removed his probationary status in two successive terms of probation. [69]

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Regulations for extracurricular activities will be found on page 98.

Examinations

Regular Examinations are held at the close of each semester and at intervals during the semester in all studies pursued in classes. The mark for a course is based upon recitations, papers, and examinations. A 2-hour examination in general is counted as not more than one fourth of the course in the determination of the course grade.

No undergraduate student is allowed to omit any final examination, and no undergraduate student is allowed to anticipate any final examination. The instructor is not authorized to make such adjustments.

The Committee on Special Examinations is responsible for the conduct of final examinations.

Special Examinations. A fee of three dollars per examination is charged for the following special examinations.†

1. Examinations for college credit on work for which acceptable credentials cannot be supplied.
2. Examinations to make up grades of Ie.
3. Examinations given outside regular examination schedule.

The dates of these special examinations are announced in the calendar.

Attendance

Students are expected to attend all the exercises of the courses for which they are registered.

Absence from several meetings of a course operates to limit a student's achievement and in most cases results in a lower grade, since such absence makes impossible the mastery of significant units of the course. As a result of excessive absence, a student may be required by the Scholarship Committee to withdraw from a course or from the University in accordance with the University rules.

These attendance regulations apply to all schools and colleges with the exception of the College of Dentistry, the Graduate School, School of Law, School of Medicine, Summer School, and University College.

In the School of Law a deduction of one unit of credit and one grade point will be made for each sixteen absences per semester, assembled from all work being taken by the student during that time. If the total number of absences in any one [70]

†No student shall be admitted to such examination except on receipt of an authorization signed by the Registrar and the Office of the Comptroller.

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course amounts to one fourth, or more, of the total class meetings of that course, the student will automatically be dropped from the course.

TUITION AND FEES

The schools and colleges in the University (with the exception of Civic Center and University College, which are on the quarter basis) operate on the basis of three terms of 16 weeks each a year. Tuition and fees are payable at the beginning of each term (semester) or quarter. A normal course in most schools and colleges consists of 12 to 16 units a term; Engineering students usually carry 18 units a term. See the individual bulletins for detailed information regarding individual instruction in Music and laboratory and other fees.

Tuition per term (semester):

All schools and colleges except Dentistry, Law, Medicine, and Religion (Graduate School), per unit	\$ 10.00
College of Dentistry.....	see bulletin.
School of Law (10-15 units).....	160.00
*School of Medicine	250.00
Graduate School of Religion.....	25.00

Registration fee, per term (semester):

For 10 or more units.....	10.00
For less than 10 units.....	5.00
Civic Center and University College.....	\$3.00-5.00

Library fee, per term (semester):

For 10 or more units, except Law and Medicine	5.00
For 10 or more units, Law and Medicine....	10.00
For less than 10 units, Law and Medicine....	5.00

*Graduate students taking work in the School of Medicine are charged \$16.00 a unit.

UNIVERSITY RESIDENCES

Room and board are provided at the lowest reasonable cost in the residence halls for women. All rooms are engaged by the term and may not be vacated within that time. Residence hall fees are payable by the term and may be paid in advance or in three equal payments—the first on the day of registration, the second at the beginning of the fifth week of the term, and the third at the beginning of the ninth week. The rates range from \$185 to \$240 a term and include breakfasts and dinners seven days a week; no meals are served during Thanksgiving, Christmas, and Easter recesses, or between terms. Rates are subject to change if conditions demand. [71]

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Bureau of Employment

A deposit of \$10 (not refundable) should accompany application for rooms. This deposit is deducted from the amount payable at registration. Students residing in the residence halls must make a breakage deposit of \$10. After the cost of damages is deducted, the balance is refunded at the end of the year.

All inquiries concerning housing and requests for reservations at the women's residence halls should be addressed to the Manager, Residence Halls, The University of Southern California.

The University reserves the right to change without notice any of the rates printed in this bulletin.

STUDENT RESIDENCE

All undergraduate students not living at home or in fraternity or sorority houses or in the residence halls must choose accommodations in houses approved by the University.

Lists of approved houses will be given out at registration, or earlier, through the office of the Dean of Women or the Counselor of Men.

Students may not change residence during any semester unless under exceptional circumstances and with the approval in advance of the Dean of Women or the Counselor of Men.

No undergraduates may live in apartments, except by special permission of the Dean of Women or the Counselor of Men.

All undergraduate students must have their housing arrangements approved in the office of the Dean of Women or the Counselor of Men.

BUREAU OF EMPLOYMENT

The University maintains a Bureau of Employment to assist students and graduates in securing part-time and full-time employment. It is one of the major objectives of the Bureau to act as a coordinating office between the University and business and industry. Large numbers of business organizations are sending their personnel representatives to the University every year in order to recruit new employees for their organizations.

Because of the location of the University in the metropolitan area of Los Angeles, there are numerous opportunities in practically all fields of business for students in school who desire part-time employment. Often it is possible to place students in part-time or summer work so that they may get experience in work related to their studies.

In cooperation with the Counselor of Men and the deans of the various professional schools on the campus, the Bureau of Employment is prepared to offer information about voca- [72]

Bureau of Teacher Placement

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tions which may be of value in assisting the student to plan his university work with definite employment objectives in mind. The Bureau is able to assist students in making contacts with successful men and women in business who can give further advice regarding the occupations with which they are acquainted.

Those who are interested in securing the services of the Bureau should make application in person at the office, Room 208, Student Union. A fee of one dollar is charged for registration for a full-time position. This fee covers the collecting of references and recommendations, and the development of a personnel record for each applicant.

Since tuition and fees are approximately \$190 a term and living expenses average \$55 monthly, the University does not encourage students to attempt to earn all of their expenses while attending the University. The student should have some funds or an assured income to take care of at least part of his expenses.

BUREAU OF TEACHER PLACEMENT

A placement office is maintained by the University to assist students and graduates of the University in obtaining positions in the teaching profession. Complete records are kept of the achievements, experience, and personal qualifications of each candidate for a position. Copies of these records will be mailed to school officials at their request or at the request of the candidates concerned. Officials seeking teachers should be explicit in their request, stating the nature of the work to be done, the length of the school year, the approximate salary offered, the approximate cost of board, and the time when the engagement begins. When a notice of a vacancy is

received, the Director of Teacher Placement will recommend the best available person for the position. The University reserves the right of refusing to extend its cooperation to students who apply for positions for which they are manifestly unqualified.

Blanks for registration may be obtained from the Director of Teacher Placement. Registration must be renewed yearly, preferably during February or March. A fee of five dollars is charged for each year of active service.

Communications should be addressed to the Director, Bureau of Teacher Placement, Room 222, Student Union, The University of Southern California, Los Angeles 7. [73]

EXHIBIT B

To Affidavit of Hugh C. Willett
Excerpts from University of Southern California
"Circular of Information"
1945-1946

Degrees and Certificates

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Master of Science in Chemical Engineering.
Master of Science in Civil Engineering.
Master of Science in Electrical Engineering.
Master of Science in Mechanical Engineering.
Master of Science in Petroleum Engineering.
Chemical Engineer.
Civil Engineer.
Electrical Engineer.
Mechanical Engineer.
Petroleum Engineer.
Master of Science in Pharmacy.

Master of Science in Public Administration.

Master of Business Administration.

Master of Architecture.

Master of Fine Arts.

Master of Music.

Master of Science in Education.

Master of Education.

Master of Laws.

Master of Foreign Service.

Master of Theology.

Master of Social Work.

Master of Dental Science in Orthodontics.

Doctor of Philosophy.

Doctor of Education.

Doctor of Theology.

Recommendations For Teachers' Credentials

The School of Education of the University has been accredited for the training of teachers and has been authorized to issue recommendations to students who comply with the general requirements of the State Board of Education for the following credentials: Administration; Supervision; Junior College; General Secondary; General Junior High School; General Elementary; Kindergarten-Primary; Child Welfare and Supervision of Attendance; Special Secondary in Art, Business Education, Music, Physical Education, Continuation Education, Librarianship.

ADMISSION

Application For Admission

Application for admission to the University may be made by mail or in person at the University Office of Admissions. [74]

Application forms will be furnished on request. Students who seek admission will please request the registrars of institutions previously attended to forward official transcripts of record direct to the Office of Admissions. The University does not undertake to collect the credentials of prospective students.

Certificates of permission to register will be issued to applicants whose credentials are found to be acceptable. Other applicants will be advised as to conditions to be met for admission. Applications and high school records should be filed as early as possible to avoid delay at registration.

Directions to Applicant for Admission to the University

Before your eligibility for admission can be determined, it is necessary for the Office of Admissions to receive your formal application for admission, an official certificate of your high school work, and official transcripts of record from all collegiate institutions which you may have attended. The following procedure is recommended:

1. Send for the bulletin you desire and an application blank for admission.
2. Complete the application for admission and mail it to the Office of Admissions.
3. Request the principal of the high school from which you graduated and the registrars of colleges you have attended to send official transcripts of your record to the Office of Admissions.
4. Address to the Office of Admissions any questions you may have concerning your admission or the standing you will be allowed in the University.

5. If you are accepted for admission to the University, you will receive an Admission Credit Summary. Preserve this credit summary, which is also your permit to register, and present it at the place of registration.

6. The Scholastic Aptitude Test is required of all students entering the freshman class or the University Junior College.

Admission By Certificate From High School

General Statement. Graduates of accredited senior high schools, or other accredited secondary schools, who give satisfactory evidence of good character and intellectual promise and who meet the following unit and grade requirements are eligible for admission to freshman standing. The admission of any student is tentative, pending the report of the University medical examiners.

Unit Requirement: 15 units of credit in subjects accepted for graduation from high school, including (a) 3 units of [75]

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Registration

ment from the Office of Admissions regarding the availability of credit for such work at this University. In no case will more than 8 semester units of graduate work be accepted by transfer toward the master's degree.

5. Exceptions. In exceptional cases—falling outside the usual rules and practices concerning admissions—graduates of nonaccredited institutions or applicants adjudged to have the full equivalent of the standard bachelor's degree may be admitted to graduate studies after joint consideration by the Office of Admissions and the Dean of the Graduate School. In such cases full graduate standing is reached only by action of the Council on Graduate Study and Research.

School of Research

Membership in the School of Research consists of five groups of persons, as follows: *Faculty*: (1) members of professorial rank whose duties involve supervision of graduate research; (2) others of rank of instructor or above, actively engaged in research, who have been recommended by their department heads and admitted by the Council. *Student*: including (1) every graduate on being formally admitted to candidacy for the degree of Doctor of Philosophy, who becomes *ipso facto* a member of the School of Research; and (2) other graduate students holding the master's degree (or equivalent) who have demonstrated undoubted capacity for research and who, on recommendation of their department heads, have been elected by the Council or Graduate Study and Research. *By Courtesy*: scholars and scientists, holding the Ph.D. (or equivalent), desiring to pursue research, who on recommendation of the Director have been admitted to membership by vote of the Council Members by courtesy are released from all tuition charges and are afforded free auditing and library privileges.

REGISTRATION

Details of the registration procedure are contained in a special bulletin issued by the Registrar and distributed to students on the days of registration. The tests and examinations listed below are a part of registration procedure.

No student may attend classes without having presented either the class admission card or a special permit from the President.

Every student is required to register in person before entering upon his college work. The days and places of

registration for each semester are announced in advance, and any student not registered before the first day of instruction is subject to a fee of three dollars for late registration. If registration is delayed until the first day of the second week of instruction, this fee is increased to five dollars and the student is subject [76]

Registration

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to a reduction in the number of units of work he is permitted to carry.

Before registering, every student entering the University for the first time must have from the Office of Admissions a statement that his entrance credits are acceptable or a statement of the conditions under which he is permitted to register.

A Board of Faculty Advisers is appointed by the President to direct the registration of all students.

Lower division students will be assigned to faculty advisers, with whom they must confer in the arranging of programs and to whom they may go for advice in any problems connected with college life.

Upper division students are required to confer with and to have their study programs approved by the professors of their major subjects, who are their faculty advisers during the junior and senior years.

All foreign students who are admitted to the United States on a nonquota immigrant basis must take at least 12 units a semester, to satisfy the stipulation of their being admitted for study at an educational institution.

Subject requirements on course and the work necessary for completion of subject shortages for admission must have precedence in the registration program of every student for every session until all such shortages are fully

removed. (Although it is essential for a student to remove admission shortages in all subjects as soon as possible, he will not be required, prior to his junior year, to register for more than one such subject at a time.)

A student engaging in extracurricular activity or outside work that limits his time and exhausts his energy is subject to a limitation in the number of units he may carry in regular college work.

No student may register for more than 18 hours except as provided by the program of requirements for his degree or as approved by special action of the Student Scholarship Committee. This permission is not granted to any student in his first semester of residence or to any student who is on warning or probation.

Students who are planning to return to college after a semester's absence should notify the Office of the Registrar, in writing, at least two weeks before the registration period.

Students should arrange for all necessary adjustments in their courses before registering for the last 30 units required for the degree, and those expecting to receive degrees at the end of any session should file written notice at the Office of the Registrar at the beginning of the session.

Changes in Registration. No course may be added and no course may be dropped except through the Registrar's Office [77]

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on blanks specifically provided. The student must secure the written approval of his faculty adviser before any change will be made at the Registrar's Office. Any change in a student's program after the first seven calendar days

of the semester will involve a fee of two dollars. Students are advised to make no changes in registration after the close of that period. Students are not permitted to enter new courses after the close of the second week except for valid reasons and with the approval of the Student Scholarship Committee.

Withdrawal from a Course. A student is held responsible for all courses in which he registers unless he officially withdraws from a course. A student who withdraws from a course after the end of the seventh week of the semester will be assigned a grade of F (failed) unless he is doing passing work in that course at the date of official withdrawal.

Medical and Physical Examination. Each semester, before registering, all students must clear their health records through the Physical Education office. New† or re-entering‡ undergraduate students registering in physical education activity courses are required to take a health examination given under the direction of the University Health Service (Department of Physical Education). This examination is a part of the registration procedure. The University may, upon the recommendation of the medical examiner, refuse registration to any entrant who is physically incapacitated for college work or whose health condition might be a menace to the health of other students.

†*New*: any student who has not previously registered at this University.

‡*Re-entering*: any student who is returning after an absence of two semesters or more.

GRADES, PROBATION AND DISQUALIFICATION, EXAMINATIONS, AND ATTENDANCE

Grades

Scholarship Record. The significance of each of the several grades given, along with the marks Iw, Ie, N, and W, is explained below:

A—Excellent.

B—Good.

C—Average.

D—Inferior.

F—Failed. This grade indicates that the student has failed at the end of the semester or has officially dropped the course while doing failing work after end of the seventh week.

It is expected that the content elements of a course will be [78]

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measure of the quality of the work done in a course, as units are a measure of the amount.

Grade points are assigned to grades as follows:

3 grade points for each unit of grade A.

2 grade points for each unit of grade B.

1 grade point for each unit of grade C.

0 grade points for each unit of grade D, or for the marks Iw or Ie.

—1 grade point for each unit of grade F.

Scholarship Average. The scholarship average of a student is equal to the total number of grade points divided by the total number of units attempted. The units

attempted shall be units of record which bear the grades A, B, C, D, F, or the marks Iw or Ie.

Part-Semester Reports. At the end of the fifth week and again at the end of the tenth week of each semester each student doing unsatisfactory work in any course is notified of this fact by a card, which he is to take to the instructor and to his faculty adviser for consultation concerning means of improvement.

Semester Reports. At the end of each semester the student may secure his record in all courses taken during that period by filing at the Registrar's Office a self-addressed envelope for mailing the report.

Transcripts of Records. One complete transcript of record is furnished the student without charge; for each additional transcript a fee of one dollar is required with the application in advance. The application for the transcript of record must be made by the student himself, on the regular form supplied by the Registrar. To avoid possible errors, it should show the first and last dates of attendance and each name in full. It should be filled out and filed at the Office of the Registrar at least two weeks before the transcript is needed. No transcript will be supplied for college work taken in other institutions.

Probation and Disqualification

The following regulations governing probation and disqualification for unsatisfactory scholarship apply to undergraduate students, both regular and special, registered for 6 or more units of credit in any division of the University, except the College of Dentistry, School of Medicine,

School of Law, University Junior College, Graduate School, and the several graduate professional schools.

Notice of Unsatisfactory Scholarship. After the tenth week in each term, the scholarship records of all students will be reviewed by the Student Scholarship Committee through its subcommittee, the Committee on Probationary Students. If [79]

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a record is found to be unsatisfactory, notice will be sent by the Committee to the student and his parent. The notice will state that the student's record will be reviewed and his status determined before his reregistration in the University. This notice will be sent to a student whose previous term average falls below 0.5, or who in the ten weeks' report receives unsatisfactory grades in half or more of the units on his registered program, or who is otherwise found to be seriously deficient in his academic achievement.

Probation. A student not already on probation will be placed on probation if his term average falls below 0.5 after he has been notified of his unsatisfactory scholarship. A student registered on probation must carry a program of at least 12 units in a regular term. A student on probation will be removed from probationary status if during a term of probation he makes a term average of 1.0 or higher.

Disqualification. A student will be subject to disqualification (1) if, after having been notified of his unsatisfactory scholarship, his term average falls below 0.0, or

(2) if while on probation he fails to attain a term average of 0.5, or (3) if he has not removed his probationary status in two successive terms of probation.

Regultions for extracurricular activities will be found on page 104.

Examinations

Regular Examinations are held at the close of each semester and at intervals during the semester in all studies pursued in classes. The mark for a course is based upon recitations, papers, and examinations. A 2-hour examination in general is counted as not more than one fourth of the course in the determination of the course grade.

No undergraduate student is allowed to omit any final examination, and no undergraduate student is allowed to anticipate any final examination. The instructor is not authorized to make such adjustments.

The Committee on Special Examinations is responsible for the conduct of final examinations.

Special Examinations. A fee of three dollars per examination is charged for the following special examinations.†

1. Examinations for college credit on work for which acceptable credentials cannot be supplied.
2. Examinations to make up grades of Ie.
3. Examinations given outside regular examination schedule.

The dates of these special examinations are announced in the calendar. [80]

†No student shall be admitted to such examination except on receipt of an authorization signed by the Registrar and the Office of the Comptroller.

Attendance

Students are expected to attend all the exercises of the courses for which they are registered.

Absence from several meetings of a course operates to limit a student's achievement and in most cases results in a lower grade, since such absence makes impossible the mastery of significant units of the course. As a result of excessive absence, a student may be required by the Scholarship Committee to withdraw from a course or from the University in accordance with the University rules.

These attendance regulations apply to all schools and colleges with the exception of the College of Dentistry, the Graduate School, School of Law, School of Medicine, Summer School, and University College.

In the School of Law a deduction of one unit of credit and one grade point will be made for each sixteen absences per semester, assembled from all work being taken by the student during that time. If the total number of absences in any one course amounts to one fourth, or more, of the total class meetings of that course, the student will automatically be dropped from the course.

TUITION AND FEES

The schools and colleges in the University (with the exception of Civic Center and University College, where most of the courses are on the quarter basis) operate on the basis of three terms of 16 weeks each a year. Tuition and fees are payable at the beginning of each term (semester) or quarter. A normal course in most schools and colleges consists of 12 to 16 units a term: Engineer-

ing students usually carry 18 units a term. See the individual bulletins for detailed information regarding individual instruction in Music and laboratory and other fees.

Tuition per term (semester):

All schools and colleges except Dentistry, Law, Medicine, and Religion (Graduate School), per unit	\$ 11.00
College of Dentistry.....	see bulletin.
School of Law (10-15 units).....	190.00
*School of Medicine.....	250.00
Graduate School of Religion.....	25.00

Registration fee, per term (semester):

For 10 or more units.....	10.00
For less than 10 units.....	5.00
Civic Center and University College.....	\$3.00-5.00 [81]

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Library fee, per term (semester):

For 19 or more units, except Law and Medicine	\$ 5.00
For 10 or more units, Law and Medicine....	10.00
For less than 10 units, Law and Medicine....	5.00

UNIVERSITY RESIDENCES

Rooms are provided at the lowest reasonable cost in the residence halls for students. All rooms are engaged by the term and may not be vacated within that time. Residence hall fees are payable by the term and may be paid

*Graduate students taking work in the School of Medicine are charged \$16.00 a unit.

in advance or in three payments—the first on the day of registration, the second at the beginning of the fifth week of the term, and the third at the beginning of the ninth week. The rates range from \$85 to \$100 a term. Rates are subject to change if conditions demand.

A deposit of \$10 (not refundable) should accompany application for rooms. This deposit is deducted from the amount payable at registration. Students residing in the residence halls must make a breakage deposit of \$10. After the cost of damages is deducted, the balance is refunded at the end of the year.

All inquiries concerning housing and requests for reservations at the women's residence halls should be addressed to the Dean of Women, The University of Southern California.

The University reserves the right to change without notice any of the rates printed in this bulletin.

STUDENT RESIDENCE

All undergraduate students not living at home or in fraternity or sorority houses or in the residence halls must choose accommodations in houses approved by the University.

Students may not change residence during any semester unless under exceptional circumstances and with the approval in advance of the Dean of Women or the Dean of Men.

No undergraduates may live in apartments, except by special permission of the Dean of Women or the Dean of Men.

All undergraduate students must have their housing arrangements approved in the office of the Dean of Women or the Dean of Men.

BUREAU OF EMPLOYMENT

The University maintains a Bureau of Employment to assist students and graduates in securing part-time and full-time employment. It is one of the major objectives of the Bureau to act as a coordinating office between the University and business and industry. Large numbers of business organizations are sending their personnel representatives to the Uni- [82]

EXHIBIT C

To Affidavit of Hugh C. Willett
Excerpts from University of Southern California.
"Circular of Information"
1946-1947

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Admission

Mechanical Engineer.
Petroleum Engineer.
Master of Science in Pharmacy.
Master of Science in Public Administration.
Master of Business Administration.
Master of Architecture.
Master of Fine Arts.
Master of Music.
Master of Science in Education.
Master of Education.
Master of Laws.
Master of Foreign Service.
Master of Theology.
Master of Social Work.
Master of Dental Science in Orthodontics.
Doctor of Philosophy.
Doctor of Education.
Doctor of Theology.

Recommendations For Teachers' Credentials

The School of Education of the University has been accredited for the training of teachers and has been authorized to issue recommendations to students who comply with the general requirements of the State Board of Education for the following credentials: Administration and Supervision; Junior College; General Secondary; General Junior High School; General Elementary; Kindergarten-Primary; Attendance Officer; Special Secondary in Art, Business Education, Music, Physical Education, Librarianship; Special Secondary for Teaching Lip Reading to the Hard-of-Hearing Child; Special Secondary for Teaching Lip Reading to the Hard-of-Hearing Adult; and Special in Correction of Speech Defects.

ADMISSION

Application For Admission

Application for admission to the University may be made by mail or in person at the University Office of Admissions. Application forms will be furnished on request. Students who seek admission will please request the registrars of institutions previously attended to forward official transcripts of record direct to the Office of Admissions. The University does not undertake to collect the credentials of prospective students.

Certificates of permission to register will be issued to applicants whose credentials are found to be acceptable. Applications and high school records should be filed as early as possible to avoid delay at registration. [83]

Admission

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Directions to Applicant for Admission to the University

Before your eligibility for admission can be determined, it is necessary for the Office of Admissions to receive

your formal application for admission, an official certificate of your high school work, and official transcripts of record from all collegiate institutions you have attended. The following procedure is recommended:

1. Send for the bulletin you desire and an application blank for admission.
2. Complete the application for admission and mail it to the Office of Admissions.
3. Request the principal of the high school from which you graduated and the registrars of colleges you have attended to send official transcripts of your record to the Office of Admissions.
4. Address to the Office of Admissions any questions you may have concerning your admission or the standing you will be allowed in the University.
5. If you are accepted for admission to the University, you will receive a Permit to Register. Preserve this permit and present it at the place of registration.
6. The Scholastic Aptitude Test is required of all students entering the freshman class.

Admission By Certificate From High School

General Statement. Graduates of accredited senior high schools, or other accredited secondary schools, who give satisfactory evidence of good character and intellectual promise and who meet the following unit and grade requirements are eligible for admission to freshman standing. The admission of any student is tentative, pending the report of the University medical examiners.

Unit Requirement: 15 units of credit in subjects accepted for graduation from high school, including (a) 3 units of English; (b) 7 other units in academic sub-

jects;¹ (c) 5 units in either academic or nonacademic subjects.

Although a student who is otherwise eligible will be accepted for admission if his 15 entrance units include 3 of English and 7 other units in academic subjects, it will be to his advantage to present for admission 2 units of a foreign language, 1 unit of history or other social science, 1 unit of a natural science with laboratory, 1 unit of algebra, and 1 unit

[84]

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Admission

Graduate School of Religion

Graduation from an approved college or the completion of 124 semester units of work in the College of Letters, Arts, and Sciences, or in an accredited standard college or university, is required for admission to the Graduate School of Religion.

Undergraduate courses in Religion are offered in the Department of Religion in the College of Letters, Arts, and Sciences.

Graduate School of Social Work

A Bachelor of Arts degree, or its equivalent, from an accredited college or university is required for admission to graduate professional standing in the Graduate School of Social Work.

Students seeking admission to the Graduate School of Social Work must first file their credentials at the Office

¹For admission purposes the following subjects are considered to be *academic*: English, foreign languages, history, mathematics, sciences, social sciences. For admission to the College of Commerce and Business Administration only, the following also are considered to be *academic*: economic geography, economic history, business correspondence, business arithmetic, business law, and business organization.

Fewer than 7 additional units in academic subjects may be accepted in the case of a student who graduates in the highest tenth of his class, and who is recommended for college admission by his principal. Each case will be considered on its individual merits.

of Admissions for analysis and evaluation. It is strongly recommended that the application and credentials be filed at least two months before the proposed date of registration.

An applicant who has been found to be eligible for admission may then apply for enrollment in the Graduate School of Social Work at the office of the School. The Secretary to the Dean of the School will furnish the necessary forms on request.

The Graduate School

1. Application. Application for admission to the Graduate School is made at the Office of Admissions, where the applicant's credentials are filed and evaluated. To insure early consideration credentials should be filed at least one month previous to the first day of official registration.

2. Credentials. The student's credentials should include certified transcripts from the records of institutions previously attended, listing all preceding courses, with their unit values and the grades attained.

3. Requirements. A Bachelor of Arts degree, or its equivalent, from an accredited college or university admits the holder to the Graduate School. Admission to candidacy for a graduate degree, under the jurisdiction of the Graduate School, is a separate and subsequent step, to be initiated by the student himself at the office of the Graduate School.

4. Transfers. Students who present evidence of having completed graduate work in other institutions will be given a statement from the Office of Admissions regarding the availability of credit for such work at this University. In no case will more than 8 semester units of graduate work be accepted by transfer toward the master's degree. [85]

Registration

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5. Exceptions. In exceptional cases—falling outside the usual rules and practices concerning admissions—graduates of nonaccredited institutions or applicants adjudged to have the full equivalent of the standard bachelor's degree may be admitted to graduate studies after joint consideration by the Office of Admissions and the Dean of the Graduate School. In such cases full graduate standing is reached only by action of the Council on Graduate Study and Research.

School of Research

Membership in the School of Research consists of five groups of persons, as follows: *Faculty*: (1) members of professorial rank whose duties involve supervision of graduate research; (2) others of rank of instructor or above, actively engaged in research, who have been recommended by their department heads and admitted by the Council. *Students*: including (1) every graduate on being formally admitted to candidacy for the degree of Doctor of Philosophy, who becomes *ipso facto* a member of the School of Research; and (2) other graduate students holding the master's degree (or equivalent) who have demonstrated undoubted capacity for research and who, on recommendation of their department heads, have been elected by the Council on Graduate Study and Research. *By Courtesy*: scholars and scientists, holding the Ph.D. (or equivalent), desiring to pursue research, who on recommendation of the Director have been admitted to membership by vote of the Council Members by courtesy are released from all tuition charges and are afforded free auditing and library privileges.

REGISTRATION

Details of the registration procedure are contained in a special bulletin issued by the Registrar and distributed to students on the days of registration. The tests and examinations listed below are a part of registration procedure.

No student may attend classes without having presented either the class admission card or a special permit from the President.

Every student is required to register in person before entering upon his college work. The days and places of registration for each semester are announced in advance, and any student not registered before the first day of instruction is subject to a fee of five dollars for late registration. If registration is delayed until the first day of the second week of instruction, this fee is increased to ten dollars; if delayed until the third week of instruction, the fee is twenty dollars and the student is subject to a reduction in the number of units of work he is permitted to carry. [86]

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Registration

Before registering, every student entering the University for the first time must have from the Office of Admissions a statement that his entrance credits are acceptable or a statement of the conditions under which he is permitted to register.

All students have access to faculty guidance and advice through the offices of the deans or directors of the divisions in which they are registered.

Upper division students are required to confer with and to have their study programs approved by the pro-

fessors of their major subjects, who are their faculty advisers during the junior and senior years.

All foreign students who are admitted to the United States on a nonquota immigrant basis must take at least 12 units a semester, to satisfy the stipulation of their being admitted for study at an educational institution.

Subject requirements on course and the work necessary for completion of subject shortages for admission must have precedence in the registration program of every student for every session until all such shortages are fully removed. (Although it is essential for a student to remove admission shortages in all subjects as soon as possible, he will not be required, prior to his junior year, to register for more than one subject at a time.)

A student engaging in extracurricular activity or outside work that limits his time and exhausts his energy is subject to a limitation in the number of units he may carry in regular college work.

No student may register for more than 16 hours except as provided by the program of requirements for his degree or as approved by special action of the Student Scholarship Committee. This permission is not granted to any student in his first semester of residence or to any student who is on warning or probation.

Students who are planning to return to college after a semester's absence should notify the Office of the Registrar, in writing, at least one month before the registration period.

Students should arrange for all necessary adjustments in their courses before registering for the last 30 units required for the degree, and those expecting to receive degrees at the end of any session should file written notice

at the Office of the Registrar at the beginning of the session.

Changes in Registration. No course may be added and no course may be dropped except through the Registrar's Office on blanks specifically provided. The student must secure the written approval of his dean or faculty adviser before any change will be made at the Registrar's Office. Any change [87]

Registration

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in a student's program after the first seven calendar days of the semester will involve a fee of two dollars. Students are advised to make no changes in registration after the close of that period. Students are not permitted to enter new courses after the close of the second week except for valid reasons and with the approval of the Student Scholarship Committee.

Withdrawal from a Course. A student is held responsible for all courses in which he registers unless he officially withdraws from a course. A student who withdraws from a course after the end of the seventh week of the semester will be assigned a grade of F (failed) unless he is doing passing work in that course at the date of official withdrawal.

Medical and Physical Examination. Each semester, before registering, all students must secure health permits from the University Health Office of the Department of Physical Education. All new students registering for the first time at this university (for exemptions applying to veterans see below) are required to file completed Health Forms at registration. It is expected that the new student will have his examination made and his form completed by a physician of his own choice before he reports for

registration.¹ If he cannot secure this service before coming to the University, he may request an examination by a University physician.² Upon the recommendation of the medical examiner the University may refuse registration to any applicant who is physically incapable of college work or whose health condition may be a menace to other students.

A veteran who has been discharged from military service during the 12 months preceding registration will be required to file Part A (Health History) of the Health Form, but he will be permitted to offer in lieu of Parts B and C a copy of his discharge medical certificate (WDAGO Form 63-Army, or WDAGO Form 64-Air Corps, or NMS Form Y-Navy, Marine Corps, Coast Guard), or a written request from the University Veterans' Coordinator that the physical examination be postponed pending receipt of his certificate. [88]

166 *Grades, Probation, Examination, Attendance*

attendance and each name in full. It should be filled out and filed at the Office of the Registrar at least two weeks before the transcript is needed. No transcript will be supplied for college work taken in other institutions.

Probation and Disqualification

The following regulations governing probation and disqualification for unsatisfactory scholarship apply to undergraduate students, both regular and special, registered

¹The Health Form is mailed to new students by the Office of Admissions. The Form consists of three parts: Part A (Health History) is to be filled out and signed by the student, or, if he is a minor, by his parent or guardian; Part B (Physical Examination) and Part C (Physician's Recommendations) are to be filled out by the examining physician, who must be an M.D. registered in the state in which the examination is given.

²A fee of \$10 is charged for an examination by a University physician. Appointments must be made at the University Health Office, Room 110, Physical Education Building.

for 6 or more units of credit in any division of the University, except the College of Dentistry, School of Medicine, School of Law, Graduate School, and the several graduate professional schools.

Notice of Unsatisfactory Scholarship. After the tenth week in each term, the scholarship records of all students will be reviewed by the Student Scholarship Committee through its subcommittee, the Committee on Probationary Students. If a record is found to be unsatisfactory, notice will be sent by the Committee to the student and his parent. The notice will state that the student's record will be reviewed and his status determined before his re-registration in the University. This notice will be sent to a student whose previous term average falls below 0.5, or who in the ten weeks' report receives unsatisfactory grades in half or more of the units on his registered program, or who is otherwise found to be seriously deficient in his academic achievement.

Probation. A student not already on probation will be placed on probation if his term average falls below 0.5 after he has been notified of his unsatisfactory scholarship. A student registered on probation must carry a program of at least 12 units in a regular term. A student on probation will be removed from probationary status if during a term of probation he makes a term average of 1.0 or higher.

Disqualification. A student will be subject to disqualification (1) if, after having been notified of his unsatisfactory scholarship, his term average falls below 0.0, or (2) if while on probation he fails to attain a term average of 0.5, or (3) if he has not removed his probationary status in two successive terms of probation.

Regulations for extracurricular activities will be found on page 123.

Examinations

Regular Examinations are held at the close of each semester and at intervals during the semester in all studies pursued in classes. The mark for a course is based upon recitations, papers, and examinations. A 2-hour examination in general is counted as not more than one fourth of the course in the determination of the course grade. [89]

Tuition and Fees

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No undergraduate student is allowed to omit any final examination, and no undergraduate student is allowed to anticipate any final examination. The instructor is not authorized to make such adjustments.

The Committee on Special Examinations is responsible for the conduct of final examinations.

Special Examinations. A fee of three dollars per examination is charged for the following special examinations.†

1. Examinations for college credit on work for which acceptable credentials cannot be supplied.
2. Examinations to make up grades of Ie.
3. Examinations given outside regular examination schedule.

The dates of these special examinations are announced in the calendar.

†No student shall be admitted to such examination except on receipt of an authorization signed by the Registrar and the Business Office.

Attendance

Students are expected to attend all the exercises of the courses for which they are registered.

Absence from several meetings of a course operates to limit a student's achievement and in most cases results in a lower grade, since such absence makes impossible the mastery of significant units of the course. As a result of excessive absence, a student may be required by the Scholarship Committee to withdraw from a course or from the University in accordance with the University rules.

These attendance regulations apply to all schools and colleges with the exception of the College of Dentistry, the Graduate School, School of Law, School of Medicine, Summer Session, and University College.

In the School of Law a deduction of one unit of credit and one grade point will be made for each sixteen absences per semester, assembled from all work being taken by the student during that time. If the total number of absences in any one course amounts to one fourth, or more, of the total class meetings of that course, the student will automatically be dropped from the course.

TUITION AND FEES

Tuition and fees are payable at the beginning of each semester. A normal course in most schools and colleges consists of 12 to 16 units a term; Engineering students usually carry 18 units a term. See the individual bulletins for detailed information regarding individual instruction in Music and other fees. [90]

Tuition per semester:

All schools and colleges except Dentistry, Engineering, Law, Medicine, Pharmacy, and Graduate School of Religion, per unit.....\$ 14.00

College of Dentistry.....see bulletin.

College of Engineering..... 225.00

Less than 10 units, \$14 per unit

School of Law..... 225.00

Less than 10 units, \$20 per unit

School of Medicine..... 300.00

Less than 10 units, \$20 per unit

College of Pharmacy..... 225.00

Less than 10 units, \$14 per unit

Graduate School of Religion..... 40.00

Less than 10 units, \$30

Prepayments and breakage deposits

Acceptance fee (not refundable but applicable to tuition upon registration):

Architecture 25.00

Medicine 75.00

Breakage deposit

Chemistry or Pharmacy..... 10.00

Medicine 20.00

Special fees

Application 3.00

Binding Master's thesis..... 5.00

Bowling 14.00

Dissertation for Ph.D..... 50.00

Dissertation publication.....	50.00
Golf	10.00
Horseback riding.....	17.00
Medical examination for new students.....	10.00

¹Private music lessons:

2 half-hour lessons a week.....	100.00
1 half-hour lesson a week.....	55.00

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Refunds

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School of Medicine:

Hospital	\$ 2.50
Obstetrics	10.00
X-ray	2.00

Special examination..... 3.00

Transcript 1.00

Each student is entitled to one transcript without charge. This fee is charged for each additional copy of the student's transcript. No transcript will be supplied for college work taken in other institutions.

Penalty fees

Change of program after first week..... 2.00

Late registration:

First week.....	5.00
Second week.....	10.00
Third week.....	20.00

¹These rates apply only to students working for degrees. Rates for special students will be sent upon request.

Removal of incomplete examination and incomplete work.....	3.00
--	------

Summer Session

Tuition rates will be announced later.

Auditors are not allowed to attend classes except on payment of the regular tuition rate.

Transient visitors may attend classes only on presentation of a card from the President of the University.

REFUNDS

Tuition is refundable only on written application to the Registrar and entirely at the option of the University. Any rebate allowed will be contingent upon the reason given in the application and will be computed in conformity with the schedule on file in the Business Office and as printed hereafter. Refunds will be computed as of the date on which application is made. Refunds involving complete cancellation of registration will be made by check no sooner than two weeks after the withdrawal date. No refunds will be made in the School of Medicine. In all other divisions no refunds will be made after the beginning of the ninth week. If withdrawal occurs within first 8 weeks, \$5.00 is retained on tuition for 1 to 4 units; \$10.00 on tuition for 5 to 9 units; \$20.00 on tuition for 10 or more units. In addition, one eighth of the balance of tuition is retained for each week of attendance. [92]

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University Residences

AMOUNT OF REFUND

No. of Units	1st Week	2nd Week	3rd Week	4th Week	5th Week	6th Week	7th Week	8th Week
1	9.00	8.00	6.75	5.75	4.50	3.50	2.25	1.25
2	23.00	20.25	17.25	14.50	11.50	8.75	5.75	3.00
3	37.00	32.50	27.75	23.25	18.50	14.00	9.25	4.75
4	51.00	44.75	38.25	32.00	25.50	19.25	12.75	6.50
5	60.00	52.50	45.00	37.50	30.00	22.50	15.00	7.50
6	74.00	64.75	55.50	46.25	37.00	27.75	18.50	9.25
7	88.00	77.00	66.00	55.00	44.00	33.00	22.00	11.00
8	102.00	89.25	76.50	63.75	51.00	38.25	25.50	12.75
9	116.00	101.50	87.00	72.50	58.00	43.50	29.00	14.50
10	120.00	105.00	90.00	75.00	60.00	45.00	30.00	15.00
11	134.00	117.25	100.50	83.75	67.00	50.25	33.50	16.75
12	148.00	129.50	111.00	92.50	74.00	55.50	37.00	18.50
13	162.00	141.75	121.50	101.25	81.00	60.75	40.50	20.25
14	176.00	154.00	132.00	110.00	88.00	66.00	44.00	22.00
15	190.00	166.25	142.50	118.75	95.00	71.25	47.50	23.75
16	204.00	178.50	153.00	127.50	102.00	76.50	51.00	25.50
17	218.00	190.75	163.50	136.25	109.00	81.75	54.50	27.25
18	232.00	203.00	174.00	145.00	116.00	87.00	58.00	29.00
19	246.00	215.25	184.50	153.75	123.00	92.25	61.50	30.75
20	260.00	227.50	195.00	162.50	130.00	97.50	65.00	32.50
21	274.00	239.75	205.50	171.25	137.00	102.75	68.50	34.25
Engineering, Law, Pharmacy	205.00	179.50	153.75	128.25	102.50	77.00	51.25	25.75

The University reserves the right to change without notice any of the rates printed in this bulletin.

UNIVERSITY RESIDENCES

Rooms are provided in the residence halls for students at the lowest reasonable cost. All rooms are engaged by the semester and may not be vacated within that time. Residence hall fees are payable by the semester and may be paid in advance or in three payments—the first on the

day of registration, the second at the beginning of the fifth week of the semester, and the third at the beginning of the ninth week. The rates range from \$90 to \$100 a semester. Rates are subject to change if conditions demand.

A deposit of \$25 (not refundable unless the reservation is canceled sixty days before the opening of the semester) should accompany application for rooms. This deposit is deducted from the amount payable at registration. Students residing in the residence halls must make a breakage deposit of \$10. After the cost of damages is deducted, the balance is refunded at the end of the year.

All inquiries concerning housing and requests for reservations in the women's residence halls should be addressed to [93]

Bureau of Employment

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the Dean of Women, and requests for reservations in the men's residence halls should be addressed to the Dean of Men, The University of Southern California.

STUDENT RESIDENCE

All undergraduate students not living at home or in fraternity or sorority houses or in the residence halls must choose accommodations in houses approved by the University.

Students may not change residence during any semester unless under exceptional circumstances and with the approval in advance of the Dean of Women or the Dean of Men.

No undergraduate students may live in apartments except by special permission of the Dean of Women or the Dean of Men.

All undergraduate students must have their housing arrangements approved in the office of the Dean of Women or the Dean of Men.

ESTIMATE OF STUDENT EXPENSE

Tuition (based on a 16-unit program), per semester	\$224.00
Books and supplies, per semester.....	\$30- 60.00
Room and board, per month.....	approximately 55.00
Purchase of a student activity book is optional.	
The charge is.....	12.50

BUREAU OF EMPLOYMENT

The University maintains a Bureau of Employment to assist students and graduates in securing part-time and full-time employment. It is one of the major objectives of the Bureau to act as a coordinating office between the University and business and industry. Large numbers of business organizations send their personnel representatives to the University every year in order to recruit new employees for their organizations.

Because of the location of the University in the metropolitan area of Los Angeles, there are numerous opportunities in practically all fields of business for students in school who desire part-time employment. Often it is possible to place students in part-time or summer work so that they may get experience in work related to their studies.

In cooperation with the Dean of Men and the deans of the various professional schools on the campus, the Bureau of Employment is prepared to offer vocational information which may be of value in assisting the student to plan his university work with definite employment objectives in mind. [94]

EXHIBIT D

To Affidavit of Hugh C. Willett
"Application for Admission" to University of
Southern California

(1) Have you listed under (B) on the reverse side all the institutions above high school grade at which you have ever registered? If you do not answer affirmatively, explain why

(2) Have you ever been dismissed from an educational institution because of unsatisfactory scholarship or unsatisfactory conduct? If so, please name the institution, give the date of dismissal, and state whether or not you are now eligible to return to that institution

(3) Are you now on probation or under any other similar penalty for unsatisfactory scholarship at any institution? If so, please name the institution and give a brief statement of the circumstances involved in your case.

(4) In what month and year did you cease attending the institution in which you were last registered? Account for your time briefly, but completely. If employed since that time, indicate the kind of work in which you have been engaged and give the name of your employer. Indicate each date by month and year

From _____ to _____
From _____ to _____
From _____ to _____

(5) Have you always used the name given under (A) on the reverse side? If not, please list here the names previously used, including variations in spelling, maiden name, etc.

(6) Have you taken the "Graduate Record Examination"? If so, when and where?

(F) Give name and address of nearest relative to whom communications may be addressed in case of need

(G) Please read carefully the following:

(1) You are to arrange for the forwarding of transcript of record from institutions you have attended.

(2) All transcripts of records and credentials filed in support of this application become the property of the University and are not returnable to the applicant.

(3) No official statement concerning your admission and no evaluation of your credits will be given until this application and official transcripts of your previous high school and college work have been received at the Office of Admissions. To insure the evaluation of your credentials by the date of registration, have all documents in your case on file in that office as early as possible before the date on which you plan to enter the University. A student who has work in progress at another institution at the time application for admission is made should arrange for the filing of a transcript of record covering work completed up to the current semester. A supplementary transcript covering the work of the current semester may be filed later.

(4) If you do not receive by mail before the first day of registration a statement regarding your admission to the University, please call at the Office of Admissions, Room 259, Administration Building.

(H) I hereby certify that the information I submit in this application is complete and correct to the best of my knowledge and belief.

Date _____

Signature of Applicant _____

FEE FOR THE EVALUATION OF CREDENTIALS

(a) Applicants for admission to the University with advanced standing and others who request an evaluation of credentials, whether admission to the University is intended or not, are required to pay a fee of three dollars (\$3.00). This fee is payable at the time application for admission is made, and is not refundable. Make check or money order payable to The University of Southern California.

(b) The evaluation fee will not be charged applicants for admission to freshman standing or to the University Junior College on credentials from high schools only.

(c) Students who have been admitted to regular standing in any division of the University will not be charged the evaluation fee when transferring from one division of the University to another.

(d) Special students and students admitted without classification to University College, the Summer Session, or Community Service courses will be permitted to postpone the payment of the evaluation fee until admitted to regular standing.

(e) Students will not be charged a fee for the evaluation of Extension or Summer Session work taken while in regular standing in any division of the University.

(f) Students from foreign countries will be permitted to postpone the payment of the evaluation fee until they report in person at the Office of Admissions for formal admission to the University.

(g) Veterans under P.L. 16, P.L. 346, or State Veterans' Educational Institute may apply for a refund of evaluation fee at the time of registration in the University.

EXHIBIT E

To Affidavit of Hugh C. Willett
 "Registration Permit" issued by University of
 Southern California

UNIVERSITY OF SOUTHERN CALIFORNIA
 REGISTRATION PERMIT

To:.....

This permit is your authority to register for the term
 beginning with
 the following classification:

(Division).....(Class).....

(Objective).....

*This permit must be presented at the time of registra-
 tion. Bring also to the registration your memorandum of
 high school and college work completed to date. An of-
 ficial Credit Summary will be mailed to you as soon as
 possible. It will not be necessary for you to call at the
 Office of Admissions regarding this matter. Keep us in-
 formed of any change in your address.*

*This permit must be filed with the Verification Clerk
 at the close of registration.*

Remarks:.....

.....

.....

(Signed) H. C. WILLETT

Director of Admissions and Registration

By.....

[Endorsed]: Filed Nov. 17, 1948. Edmund L. Smith,
 Clerk. [97]

EXHIBIT E

To Affidavit of Hugh C. Willett
 "Registration Permit" issued by University of
 Southern California

UNIVERSITY OF SOUTHERN CALIFORNIA
 REGISTRATION PERMIT

To:.....

This permit is your authority to register for the term
 beginning with
 the following classification:

(Division).....(Class).....

(Objective).....

*This permit must be presented at the time of registra-
 tion. Bring also to the registration your memorandum of
 high school and college work completed to date. An of-
 ficial Credit Summary will be mailed to you as soon as
 possible. It will not be necessary for you to call at the
 Office of Admissions regarding this matter. Keep us in-
 formed of any change in your address.*

*This permit must be filed with the Verification Clerk
 at the close of registration.*

Remarks :.....

.....

.....

(Signed) H. C. WILLETT

Director of Admissions and Registration

By.....

[Endorsed]: Filed Nov. 17, 1948. Edmund L. Smith,
 Clerk. [97]

[Title of District Court and Cause]

AFFIDAVIT OF ROBERT D. FISHER

State of California

County of Los Angeles—ss.

Robert D. Fisher, being first duly sworn deposes and says that he is and has been since January 1, 1946, Financial Vice President of the University of Southern California. As such officer of such university he has and has had custody of all contracts made between said corporation and other persons, firms or corporations, including the United States and its agencies.

In the regular course of conducting the business of said corporation it has been and is the regular custom of said corporation to preserve and to place in the custody of the holder of affiant's office all contracts entered into between the university and other persons, firms and corporations, including the United States and its agencies. [98]

Among the contract files in the custody of your affiant are certain documents identified as follows:

1. Navy College Contract, 9/15/43, Contract NOp 187, between the United States of America and the University of Southern California; and
2. "This supplement No. 3, dated as of July 1, 1944, to Contract NOp 187, . . . between the United States of America and the University of Southern California . . ."

The photostatic copies of said documents No.'s 1 and 2, identified above, which are attached hereto as Exhibits "A" and "B" respectively, are true and correct copies of the original documents in my custody.

ROBERT D. FISHER

Subscribed and sworn to before me this 16th day of November, 1948.

(Seal)

AUSTIN CLAPP

Notary Public in and for Said County and
State of California [99]

EXHIBIT A

To Affidavit of Robert D. Fisher
Contract NOp 187 Between the United States of America
and the University of Southern California

* * * * *

Whereas, the Navy Department (hereinafter referred to as the Department) requires the use of the Contractor's property and services for the operation of a Navy V-12 Unit (hereinafter referred to as the Training Unit); and

* * * * * [100]

Article 2. Use of Facilities

(a) Annexed hereto as Schedule 3 is a statement identifying the buildings and other property of the Contractor to be used by the Training Unit and stating the general extent of such use. * * *

(b) The Government will pay the Contractor compensation for the use of its property as provided in this Article at the following rate per month beginning with July 1, 1943:

(i) For instructional purposes \$ (See Article 3(b))

(ii) For quarters, subsistence

and other purposes . . \$6813.00.

The above rate includes the maintenance and operation of Graduate Lodge and Shrine Arms (see Schedule 1).

* * * * * [104]

Schedule 1

STATEMENT OF OWNERSHIP

* * * * *

Graduate Lodge and Shrine Arms are owned by Bart-hoff and Maron and are under lease to the Contractor for the duration of the war, subject to the terms and provisions of this Contract. The rent of \$2000 per month on Graduate Lodge and \$1750 per month on Shrine Arms includes full use of the premises and their maintenance and operation in accordance with the provisions of Article 6 hereof. Said rentals are covered in full by the payments provided under Article 2(b)(ii) hereof.

Newkirk Hall is owned by Southwestern Properties, Inc., and is under lease to the Contractor for the duration of the war subject to the terms and provisions of this Contract. The rent of \$1500 per month covers the use of the premises but does not include the maintenance and operation thereof.

* * * * * [124]

Schedule 3

USE OF FACILITIES

* * * * *

No.	Name of Building	Purpose of Use	% Use by V-12 Unit
	Shrine Arms	Quarters for 140	100%

* * * * * [126]

EXHIBIT B

To Affidavit of Robert D. Fisher

Supplement No. 3 to Contract NOp 187 Between the
United States and the University of Southern Cali-
fornia

* * * * *

II. Compensation for Quarters, Subsistence and Medical Services

The rates of compensation provided under the follow-
ing Articles of the Contract are revised as follows:

Article 2(b)(ii)—Compensation for use of property for
quarters, subsistence and other pur-
poses.

July 1 to October 31, 1944	\$6,813.00 per month
----------------------------	----------------------

Beginning November 1, 1944	\$3,063.00 per month
----------------------------	----------------------

* * * * * [130]

III. Use of Facilities

Schedule 3 is amended in its entirety to read as set
forth in revised Schedule 3 attached hereto, effective No-
vember 1, 1944. [1]

[1Schedule 3 drops "Shrine Arms" from the listed facili-
ties.]

* * * * * [131]

[Endorsed]: Filed Nov. 17, 1948. Edmund L. Smith,
Clerk. [134]

[Title of District Court and Cause]

AFFIDAVIT OF HELEN HALL MORELAND

State of California

County of Los Angeles—ss.

Helen Hall Moreland, being first duly sworn, deposes and says:

I am, and since prior to November 1, 1944 have been the Dean of Women of the University of Southern California. In this capacity I have been in charge of the residence halls maintained by the University for its women students, and am familiar with the procedure and requirements for admission to the University and to the university residence halls.

Attached hereto, as Exhibit A, which is by this reference made a part hereof, is a copy of the form of Application for Housing in University Residence Hall, in use by the University of Southern California at all times since November 1, 1944, [135] and prior thereto.

From November 1, 1944 to August 31, 1947, the premises known as 660 West Jefferson Avenue, Los Angeles, California, were in use by the University of Southern California as a university residence hall for women. While in such use said premises were known as Sequoia Hall. During this period, permission of the University to reside in Sequoia Hall was given to various women students of the University who had applied for and been granted permission to attend the University and who had applied for housing in a residence hall. Assignment to a particular residence hall was done by my office, although in all cases, consideration was given to the preference of the student.

Permission to occupy a residence hall was not given unless the following conditions precedent were met by the applicant for housing:

1. The applicant must have been permitted to register as, and have registered as, a regular student in the regular day school of the University;

2. The applicant must have been carrying a minimum of twelve units of scholastic work (a minimum of ten units for graduate students);

3. The applicant must have agreed to the conditions set forth in the application for housing (Exhibit A) including an agreement to live in accordance with University standards, including the Residence Standards of the Associated Women Students.

At all times during the period above mentioned there were in effect Residence Standards of the Associated Women Students. Exhibit B is a copy of the said standards in effect during the scholastic year 1947-1948. The rules in effect during the period November 1, 1944 to August 31, 1947 were of the same type, although differing in details. Exhibit B is, by this reference, made a part hereof. [136]

Permission to occupy a residence hall was and is revoked upon the disqualification of the student, either for scholastic or disciplinary reasons.

Women students, residing in Sequoia Hall during the period above mentioned were supervised as to conduct by a resident and assistant resident, each of whom was responsible to my office, who were during the period mentioned Mrs. Lorinne Pargellis and Mrs. Ivy Gray.

HELEN HALL MORELAND

Subscribed and sworn to before me this 16 day of November, 1948.

(Seal)

AUSTIN CLAPP

Notary Public in and for the County [137]

EXHIBIT A

To Affidavit of Helen Hall Moreland
Form of Application for Housing in University
Residence Halls

Receipt No.

UNIVERSITY OF SOUTHERN CALIFORNIA
Los Angeles 7, California

UNIVERSITY RESIDENCE HALLS
For the Office of the Dean of Women

Room Assignment.....

Not to be filled in by student

Date application was received.....

Not to be filled in by student

Name.....Year (underscore)

1st, 2nd, 3rd, 4th, Grad., Spec.,
Dental Coll., Occupational Therapy

Street No.....

City

Zone

State

Race..... Nationality..... Date of Birth.....

Name of Parent or Guardian.....

Home Address of

Parent or Guardian.....

Street

.....Phone No.....

City

Zone

State

Father's Occupation

Religious Affiliation

Southern California Reference.....

Name

Address.....Phone No.....

Are you a new student?..... A returning student?.....

To be returned to the Office of the Dean of Women,
University of Southern California [138]

I enclose \$25.00 as a deposit for room in a University
Residence Hall for

Term beginning.....

Summer Session beginning.....

I wish as my roommate(s).....

I desire a { single
double
multiple (large room with two or more room-
mates).

Give first and second choice.

Special requests.....

To be signed by students applying for housing.

I understand that unless I withdraw from the University I am engaging a room in a University House for one term. I may not vacate my room within that time unless an acceptable substitute is found to fill my place.

I understand that my room deposit is not refundable unless I cancel my reservation sixty days before the opening of a term.

In case of withdrawal on account of illness, refunds are obtained only on application to the Dean of Women. I understand that I must pay my room bill or a first installment of \$40.00* to the *Business Office* on the day that I register in the University.

I agree to live in accordance with University standards as outlined by the Associated Women Students.

Signed.....[138]

* The remainder is paid in two equal installments at the beginning of the 5th and 9th weeks.

EXHIBIT B

To Affidavit of Helen Hall Moreland
Residence Standards of Associated Women Students,
University of Southern California
ASSOCIATED WOMEN STUDENTS
RESIDENCE STANDARDS

[Crest]

University of Southern California [139]
RESIDENCE STANDARDS

The University of Southern California expects each student to be of such maturity and fine quality that she recognizes both personal and social responsibility for dignified living. Each student is held personally responsible for meeting acceptable standards of good conduct. The University reserves the right to require the withdrawal of any student who, in the judgment of the University, proves herself unable or unwilling to carry this responsibility.

The following regulations shall govern all undergraduate women students whose scholarship records are satisfactory and who reside in University Residence Halls, sorority houses, boarding and rooming houses, and private homes. They apply also to undergraduate guests and alumnae. [140]

JUDICIAL COURT

The purpose of Judicial Court is to create, establish, and maintain a high level of personal and group standards of social behavior in the college community. The Court serves as a student personnel body working in conjunction with the Administration. The Judicial Court is vested with the judicial power of the Associated Women

Students and acts as a court of appeal for any student or student group.

Each student is responsible for reporting her own violation of the rules and is granted the authority to report any violation of the rules by fellow students.

UNDERGRADUATE RESIDENCE STANDARDS

Closed Evenings

Sunday to Thursday inclusive, women students must be in their houses at 10:15 p. m. All first semester freshmen must be in at 7:30 p. m. on closed evenings.

Women students are strongly urged not to leave their houses after dark unaccompanied.

Open Evenings

Friday—2:00 a. m. Saturday—2:00 a. m.

Monday Evenings

Every Monday evening sorority houses will be closed at 8:00 p. m. All women students who have less than a 1.5 academic average for the previous semester or who have required sorority meetings must remain in their houses after 8:00 p. m. There will be no callers after 8:00 p. m. in houses or on grounds. Non-resident women students will either leave houses at 8:00 p. m. or immediately after sorority obligations are over.

Quiet Hours

These hours must be maintained on the days indicated.

Monday through Thursday

10:00 a. m.—12:00 noon

2:00 p. m.— 4:00 p. m.

7:00 p. m.— 9:30 p. m. (except Monday)

11:00 p. m.— 7:00 a. m.

Sunday

7:30 p. m.— 9:30 p. m.

11:00 p. m.— 7:00 a. m. [141]

University Business

1. A student is permitted to be out of her house on University business until 11:00 p. m. on closed evenings. University business includes concerts, plays, activity meetings, rehearsals, etc.
2. A student must ask permission of her Head Resident and sign out for University business before leaving. She must stipulate her destination.

Holidays and Vacations

1. On the night preceding any single University holiday, hours will be extended until 2:00 a. m. On the night of the holiday, if a school day follows, the time limit will be 12:00 midnight.
2. During Christmas and other vacations and between semesters, students must be in the houses on closed evenings at 12:00 midnight. This applies to rushing periods and registration week.

Midweek Functions

Any midweek functions, such as dinners or activity meetings, held in a University residence should end at 8:00 p. m.

Administrative Regulations

1. No woman student may visit a men's residence unit unless an approved chaperon is present.
2. No alcoholic beverage of any kind may be brought into residence units.
3. So called "hellweeks" are strictly forbidden as undignified and dangerous.
4. Water fights have proved dangerous to persons and property. Students may not participate in them in any

way. Disciplinary action will be taken against any individual or group violating this rule.

5. Women students should not appear in shorts, bathing suits, or jeans where they are observed by the public.
6. Students may not patronize liquor establishments in the neighborhood of the University at any time. ("Neighborhood" is interpreted as the area bounded by Washington Boulevard, Budlong Street, Santa Barbara Avenue, and South Broadway.) [142]

Callers

1. No men callers are allowed in women's houses or grounds on Monday through Thursday between 2:00 p. m. and 4:00 p. m.
2. Callers are allowed on Tuesday, Wednesday, and Thursday from 4:00 p. m. to 10:00 p. m. except for first semester freshmen and from 4:00 p. m. to 8:00 p. m. on Monday.
3. Callers must observe quiet hours.
4. Men must leave the house at 12:00 midnight on Friday and Saturday evenings, at 10:00 p. m. on Sunday and closed evenings except Monday.
5. Men must leave women's houses and grounds at 8:00 p. m. on Monday.

Special Permission

1. A "special" is a permission to be out between 10:15 p. m. and 12 midnight on a closed evening.
2. A student may leave her house at any time before 12:00 midnight on a closed evening provided a special permission slip has been approved by the Head Resident.

3. A student may not telephone for special permission after 10:15 p. m. After 10:15 p. m. she will be considered late.
5. Specials allowed per semester:
 - a. First semester freshmen—4 specials.
 - b. First semester transfer students—6 specials.
 - c. All other students are allowed specials on the basis of their grade point average for the preceding semester. (Summer School is not counted): below 1.00—no specials; 1.00-1.49 inclusive—8 specials, (not to be taken on Mondays); 1.50-1.99 inclusive—10 specials; over 2.00—unlimited specials.

Overnight and Week-end Permission

1. A student unable to return to her residence at the time recorded on her absence slip must notify either her Head Resident or the Dean of Women by telephone or telegram.
2. Before leaving for overnight or for the week end, a girl must sign out in person and obtain the approval of the Head Resident. If she goes on a closed evening she forfeits one "special." [143]

GRADUATE STUDENTS

Graduate students living in undergraduate houses have unlimited "specials." Otherwise, all house rules apply to them as well as to undergraduates.

SIGN-OUT PROCEDURES FOR ALL RESIDENTS

House Records

1. Each Head Resident shall accurately maintain a house register and an individual record of special permissions granted for each resident in the house.

2. The house register must be completed filled out by each girl leaving the house after 7:00 p. m.
3. The house register must be signed by each student when she returns. Any girl leaving the house prior to 7:00 p. m. and intending to return after that time must also sign the house register when she leaves and when she returns.
4. No girl may permit another person to sign out or in for her.
5. At the closing hour, the Head Resident is responsible for locking the house and taking up the house register. She may delegate this responsibility to a student officer.
6. Any student who has not returned within the time limit shall not be permitted access to the house register. She must report the time of her arrival to the Head Resident, whose duty it shall be to forward a slip showing such tardiness to the Judicial Court of the Associated Women Students.

COMMITTEE ON STANDARDS

1. A committee shall be appointed in each house for the purpose of maintaining standards. The functions of the Committee shall include maintenance of house rules, University Residence standards as stated above, and standards of personal conduct required of all S. C. women. [144]
2. All minor problems shall be handled by the Committee on Standards, i. e., lateness up to fifteen minutes and infractions of other rules here outlined.
3. The head of the Committee on Standards is appointed by Judicial Court. The special rulings are on a separate sheet for the guidance of the Committee on Standards.

4. The Committee shall maintain quiet hours and enforce penalties given by the Judicial Court.
5. The Committee on Standards is given full power by the Judicial Court to carry out these duties, and their decisions must be upheld.

SOCIAL FUNCTIONS

A social function is defined as a gathering of students (men, women, or both) whose primary purpose is entertainment: dances, luncheons, dinners, desserts, open houses, teas, stags, etc.

Selected social functions may be held between 12 noon and 1:15 p. m., Monday through Friday, and from Friday at 5 p. m. to Sunday, 7:30 p. m.

Organizations of all kinds (including departmental, religious, and service clubs) will (1) hold their meetings at the above hours or (2) terminate their meetings at 8 p. m., Monday, Tuesday, Wednesday, and Thursday evenings. The only exception shall be fraternity and sorority business meetings on Monday evenings; these (as indicated above) *are not to be followed by social functions.*

As far as possible, all University presentations of academic departments (plays, recitals, concerts, special lectures, etc.) will be made on Friday and Saturday evenings, exclusive of the last two weeks of any term.

The success of this program will depend upon a strict adherence to and sympathetic cooperation within its requirements. The program is adopted both for the protec-

tion of students against interruptions in their work and for the encouragement of students to devote a larger portion of their time to strictly academic matters. [145]

PROCEDURE FOR APPROVAL OF SOCIAL FUNCTIONS

All social functions must be approved by the Vice President of the Associated Students and the Dean of Women or the Dean of Men, not less than *one week prior to the date of the function concerned*.

All social functions initiated by women's organizations held on or off the campus require the approval of the Dean of Women. Those initiated by the men's organizations require the approval of the Dean of Men. Those initiated by organizations composed of both men and women must have the approval of the Dean of Women.

Chaperons Required

All off-campus social functions attended by both men and women require the presence of at least three chaperons. Two of this number must be members of the University faculty. This means that they must have the academic rating of instructor, assistant professor, associate professor, full professor, or dean. Parties held on the campus or in fraternity or sorority houses may be chaperoned by a house mother. If no house mother is available, a regular member of the faculty as defined above must act as chaperon. Signed chaperon cards must accompany the application.

Steps in Securing Approval of Social Functions

Approval must first be obtained from the Vice-President of Associated Students (Student Union 230) in order to clear with the calendar and obtain an appropriate date. The request should then be presented *by the organization* to the office of the Dean of Women or the Dean of Men for final approval. The application form on being approved will be returned to the organization by mail.

The organization is responsible for securing approvals before holding the function.

[Endorsed]: Filed Nov. 17, 1948. Edmund L. Smith, Clerk. [146]

[Title of District Court and Cause]

MOTION FOR PRELIMINARY INJUNCTION

Plaintiff moves the Court to restrain and enjoin the defendant, Ben C. Koepke, his agents, servants and employees and all persons acting in concert with him, during the pendency of this action and until final judgment herein, from:

(a) Issuing or purporting to issue the proposed or any order or orders fixing or purporting to fix a maximum rent or rents for the premises known as 660 West Jefferson Blvd., Los Angeles, California, or for any part thereof;

(b) Claiming or asserting that on September 1, 1947, or at any time since that date there was, or has been, or is a maximum rent for the premises at 660 West Jefferson Blvd., Los Angeles, California, or for any part thereof;

(c) Taking any step or proceeding intended to or attempting to enforce any order such as is described in sub- [148] paragraph (a) above, or to enforce any claim or assertion such as is described in subparagraph (b) above, save and except the continued defense of this action.

This motion is made and based upon all of the records, files and documents in this action, upon Plaintiff's Request for Admissions and Defendant Ben C. Koepke's Answers thereto, upon a stipulation of fact dated November 8, 1948, and upon the affidavits of Robert D. Fisher, Hugh C. Willett, Ivy Gray, Helen Hall Moreland, M. H. Bartholf, and N. M. Saunders.

This motion is made upon the ground that an injunction is necessary to preserve the status quo during the pendency of this action and until final judgment herein.

Dated: November 10, 1948.

BENT AND CLAPP

By Austin Clapp

Attorneys for Plaintiff

[Endorsed]: Filed Nov. 17, 1948. Edmund L. Smith, Clerk. [149]

[Title of District Court and Cause]

AFFIDAVIT OF N. M. SAUNDERS

State of California

County of Los Angeles—ss.

N. M. Saunders, being first duly sworn, deposes and says:

At all times mentioned herein I was employed by Frank W. Babcock, the plaintiff herein, to effect the purchase of the property known as 660 West Jefferson Boulevard, Los Angeles, California, and to determine the status under the applicable rent control laws and regulations of the housing accommodations which it was proposed by the said Frank W. Babcock to create and lease.

Prior to June 1, 1947, during the negotiation for the purchase of this property, I went to the Los Angeles Defense Rental Area Office of the Office of the Housing Expediter to [150] determine if and how this property had been registered and found at that time only a registration statement signed by M. H. Bartholf; that said document was the document, a copy of which is the subject of and is attached to the Stipulation of Fact, filed herein, dated November 8, 1948.

Subsequent to the purchase and after July 1, 1947, I again went to the Los Angeles Defense Rental Area Office of the Office of the Housing Expediter to review the matter of the registration and to determine what the status of the housing accommodations would be if the lease of the University was not renewed, which lease could have been continued at their option. I pointed out at that time that the only registration was that of the building as a whole to be used as an Army dormitory

and stated that subsequent to this use it was used by the Navy as a dormitory and then by the students of the University as a dormitory. I was advised by an employee of the Los Angeles Defense Rental Area Office of the Office of the Housing Expediter that since the only registration was that of the building as a whole and since no rents had been registered as apartments or had they ever been rented as apartments since the inception of rent control and if now they were to be reverted back to use as apartments, it would be considered the first time rented and would, therefore, be decontrolled. To support this information, I was handed a mimeographed bulletin headed "Office of Housing Expediter, Office of Rent Control, Washington 25, D. C., July 1, 1947", bearing identification symbols "HRA-9" and pointed out Section E 1(d) on page 8 of said mimeographed document reading as follows:

"E—Decontrol of Certain Types of Accommodations

1. Q: What accommodations are eligible for decontrol on and after July 1, 1947?

A: The following type of accommodations are [151] eligible for decontrol:

* * *

(d) Units not rented between February 1, 1945, and January 13, 1947."

I cannot recall at this time the name of this employee for the reason that at the time of this discussion there was no difference of opinion on the subject between myself and the employee and it seemed perfectly clear to all participating in the discussion that the answer given concerning the status of the accommodations was correct.

During May, 1948 I was requested to consult with the Office of the Housing Expediter concerning the status of the accommodations in said premises and discussed the situation on a number of occasions with H. K. D. Peachey, Deputy Area Rent Director of said office and with Edwin N. Hamlin, Chief Area Rent Attorney of said office.

Prior to June 2, 1948, I submitted to the said Edwin N. Hamlin a written request for an opinion as to the decontrolled status of the premises at 660 West Jefferson Boulevard, Los Angeles, California. Thereafter the said Edwin N. Hamlin prepared an opinion on the status of said housing accommodations which read in pertinent part as follows: "Even though the Army and Navy occupancy of the property as sub-tenants of the university was exempt, and even though the occupancy by students of the university was exempt during the two-year period, it is our opinion that this occupancy by the students did constitute a rental which would preclude the property from being decontrolled."

Thereafter affiant is informed and believes and therefore avers that the said Edwin N. Hamlin submitted a copy of the said interpretation including the paragraph above quoted to William Goldbaum, Regional Rent Attorney of the Regional Housing [152] Expediter's Office at San Francisco, California, for approval and thereafter the said Goldbaum prepared and sent a memorandum to the said Hamlin, which, in pertinent part stated, "In our opinion you have taken the correct position in this case."

Thereafter and on or about the 7th day of July, 1948, the said Edwin N. Hamlin advised me of his opinion and of its confirmation by William Goldbaum, Regional Rent Attorney.

At the time the premises were purchased by the plaintiff in this action, the University of Southern California held said premises under a lease between Mary E. Lewis, as Lessor, and M. H. Bartholf, as Lessee, and as a sub-lease from the said Bartholf to the University. The premises were purchased from the Estate of Mary E. Lewis and at the same time the rights of M. H. Bartholf under his lease and sub-lease were purchased by the plaintiff.

In September, 1948, Defendant Koepke issued notices of Proceedings to determine rents for the various apartments in said premises. The nature of the Proceedings in this respect is typified by the notice relating to Apartment No. 301 in said premises, the pertinent parts of which were as follows:

"In accordance with Section 5(d) of the Rent Regulation the Rent Director proposes to determine the fact that the rent for the above accommodation on the date determining the maximum rent was \$110.00 per month for four rooms and bath, furnished, including dishes, utensils, bedding and linens, mechanical refrigerator, steam heat, weekly maid service. Landlord pays all utilities, telephone service, Tenants pay for laundering of linens. Order, when issued, will be effective as of that date, namely, September 20, 1947.

He further proposes to reduce the above mentioned rent under section 5(c)1, to the rent generally pre-

vailing for comparable accommodations in this defense-rental area on March 1, 1942. Such reduction will be from \$110.00 to \$50.00, and the order, when issued, will be effective from the date of first rent, namely, September 20, 1947." [153]

N. M. SAUNDERS

Subscribed and sworn to before me this 18 day of November, 1948.

(Seal)

AUSTIN CLAPP

Notary Public in and for Said County and State of California.

[Endorsed]: Filed Nov. 18, 1948. Edmund L. Smith, Clerk. [154]

[Minutes: Monday, November 22, 1948]

Present: The Honorable Leon R. Yankwich, District Judge.

For hearing (1) motion of defendant Ben C. Koepke, filed Sept. 27, 1948, to dismiss as to said defendant only, and (2) plaintiff's Order to Show Cause transferred from Superior Court and plaintiff's motion for preliminary injunction; Austin Clapp Esq., appearing as counsel for plaintiff; Frank L. Hirst and Benj. Chapman, Esqs., appearing as counsel for defendants; excerpts from exhibits to affidavits of Fisher, Willett, and Moreland are filed in behalf of plaintiff;

Attorneys Hirst and Clapp argue. Court orders motion to dismiss granted and denies plaintiff's motion for preliminary injunction; and Court orders that temporary restraining order remain in effect until signing of formal order; counsel for defendants to prepare findings and formal order. [155]

[Title of District Court and Cause]

FINDINGS OF FACT AND CONCLUSIONS OF
LAW IN CONNECTION WITH ORDER
GRANTING MOTION TO DISMISS AND
DENYING MOTION FOR PRELIMINARY
INJUNCTION

Defendant Ben C. Koepke's motion to dismiss the complaint and plaintiff's motion for a preliminary injunction and the order to show cause why a preliminary injunction should not be issued having come on for hearing on the 22nd day of November, 1948, in the forenoon before the Honorable United States District Judge Leon R. Yankwich, the plaintiff having been represented by Austin Clapp, Esq., of Bent and Clapp, and said defendant having been represented by Frank L. Hirst and Benjamin Chapman, Esqs., and the Court having considered the pleadings, points and authorities, brief and affidavits on file and having been fully informed concerning the matters, now makes its findings of fact and conclusions of law as follows:

Findings of Fact

1. Since June, 1947, Frank W. Babcock, plaintiff herein, has been and now is the owner of the real property known as the Shrine Arms Apartments and located at 660 West Jefferson Boulevard, Los Angeles, California, located [156] within the Los Angeles Defense-Rental Area.

2. At all times pertinent to this suit defendant Ben C. Koepke is the duly appointed, qualified and functioning Area Rent Director for the Los Angeles Defense-Rental Area.

3. At all times pertinent to this suit Ben C. Koepke was authorized to issue orders fixing maximum rents applicable to housing accommodations located in the Los Angeles Defense-Rental Area, including the premises described above, pursuant to the provisions of Section 825.5 of the Controlled Housing Rent Regulation issued September 25, 1948 (12 F. R. 4331), (Code of Federal Regulations, Part 825, Rent Regulations under the Housing and Rent Act of 1947, as amended). For the purpose of issuing such orders Ben C. Koepke is authorized to determine whether the housing accommodations are controlled housing accommodations.

4. As of the date of the filing of the complaint the defendants other than Ben C. Koepke were tenants of plaintiff, residing in the above described housing accommodations.

5. On September 2, 1948, Ben C. Koepke, in proceedings in the Los Angeles Defense Rental Area concerning 660 West Jefferson Boulevard, Los Angeles, California, docketed as Number 271860, issued and mailed to plaintiff notices in writing advising plaintiff that said defendant proposed to issue orders fixing maximum rents for the apartments at said address. Said notices were issued pursuant to, were authorized by, and complied with the provisions of Section 840.7 of Revised Rent Procedural Regulation No. 1, issued May 1, 1948, as amended (13 F. R. 2369).

6. Regulations issued by the Housing Expediter establish an administrative procedure for landlords who desire to secure a review of, or to take an appeal from, orders fixing maximum rents issued by Ben C. Koepke as Area Rent Director. Said administrative procedure for review and appeal is set forth in Sections 840.11 to 840.34

inclusive of Revised Rent Procedural Regulation No. 1, issued May 1, 1948, as amended (13 F. R. 2369). At this stage of the proceedings the remedy afforded to the plaintiff by these provisions of Revised Rent Procedural Regulation No. 1 must be presumed adequate. [157]

From the foregoing Findings of fact the Court now makes its conclusions of law as follows:

Conclusions of Law

1. That Defendant Ben C. Koepke's motion to dismiss the complaint as to him should be granted for the follow—
—and neither has the Court from which the cause was removed jurisdiction,— [LRY, J]
ing reasons: (a) This Court has no jurisdiction, to interfere with the administrative proceedings now pending before defendant Ben C. Koepke, concerning the premises at 660 West Jefferson Boulevard, Los Angeles, California, designated as Docket No. 271860 before such proceedings have reached the stage of coercive finality by the issuance of orders fixing maximum rents, and (b) the plaintiff has an adequate remedy at law in that plaintiff may attack any orders fixing maximum rents which Ben C. Koepke may issue in said proceedings by administrative and subsequent judicial review or appeal, or by way of defense in any action which the Housing Expediter or the tenant defendants may bring pursuant to Sections 205 and 206 of the Housing and Rent Act of 1947 as amended, after plaintiff has exhausted his administrative remedies.

2. That plaintiff is not entitled to a preliminary injunction against the defendant Ben C. Koepka for the following reasons: (a) This Court has no jurisdiction,—and neither has the Court from which the cause was removed jurisdiction, [LRY, J]
tion \wedge to interfere by injunctive process with the administrative proceedings now pending before defendant Ben

C. Koepke concerning the premises at 660 West Jefferson Boulevard, Los Angeles, California, designated as Docket No. 271860 prior to the time that any proposed action has become final and coercive by the issuance of orders fixing maximum rents; (b) irreparable injury will not result to plaintiff by the issuance of such orders since in any suit brought by the Housing Expediter to enforce such orders, the plaintiff, after having exhausted his administrative remedies, may set up as a defense the alleged invalidity of the orders, and (c) The purpose of this action is to allay plaintiff's fears and in fact no controversy exists between plaintiff and defendant Ben C. Koepke of such nature that this Court should take judicial cognizance of it under the Federal Declaratory Judgment Act (28 USC 2201, 2202) or otherwise, except to deny relief by dismissing this action and denying the plaintiff's motion for a preliminary injunction. [158]

3. This suit is a civil action founded on a claim or right arising under the Constitution, treaties or laws of the United States wherein the matter in controversy exceeds the sum or value of \$3,000.00 exclusive of interest or costs, and this Court has jurisdiction of this action.

4. Defendant Ben C. Koepke is entitled to recover costs of suit.

Dated at Los Angeles, California, this 7th day of December, 1948.

LEON R. YANKWICH

Judge

Approved as to Form: Abe I. Levy, Stephen D. Monahan, Frank L. Hirst, Richard G. Solof, Benjamin Chapman, by Benjamin Chapman, Attorneys for Defendant Ben C. Koepke, this 30 day of November 1948.

Receipt is hereby acknowledge of a copy of the within Findings of Fact and Conclusions of Law in Connection With Order Granting Motion to Dismiss and Denying Motion for Preliminary Injunction, this 2 day of December, 1948. Bent and Clapp, by Austin Clapp, Attorneys for Plaintiff.

[Endorsed]: Filed Dec. 7, 1948. Edmund L. Smith, Clerk. [159]

In the District Court of the United States
Southern District of California

Central Division

No. 8678-Y

FRANK W. BABCOCK,

Plaintiff,

vs.

BEN C. KOEPKE, et al.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR A
PRELIMINARY INJUNCTION

Plaintiff's motion for a preliminary injunction to enjoin the defendant Ben C. Koepke, and the Order to show cause why such a preliminary injunction should not issue having come on for hearing on the 22nd day of November, 1948, in the forenoon before the Honorable United States District Judge Leon R. Yankwich, the plaintiff having been represented by Austin Clapp, Esq., of Bent and Clapp, and said defendant being represented by Frank L. Hirst and Benjamin Chapman, Esqs., and the Court having considered the pleadings, points and authorities,

brief and affidavits on file and arguments of counsel and having been fully informed concerning the matters, and having made his written findings of fact and conclusions of law and good cause appearing, now therefore, upon the reasons fully set forth in the said findings of fact and conclusions of law,

It Is Ordered, Adjudged and Decreed that the plaintiff's motion for a preliminary injunction is denied, and the order to show cause why a preliminary injunction should not issue is discharged, and the temporary restraining order [160] heretofore issued in the Superior Court of the State of California for the County of Los Angeles dated September 16, 1948 is hereby dissolved and discharged.

Dated at Los Angeles, California, this 7th day of December, 1948.

LEON R. YANKWICH

Judge

Approved as to Form: Abe I. Levy, Stephen D. Monahan, Frank L. Hirst, Richard G. Solof, Benjamin Chapman, by Benjamin Chapman, Attorneys for Defendant Ben C. Koepke, this 30 day of November, 1948.

Receipt is hereby acknowledged of a copy of the within Order Denying Plaintiff's Motion for a Preliminary Injunction this 2 day of December, 1948, 1:27 P. M. Bent and Clapp, by Austin Clapp, Attorneys for Plaintiff.

Judgment entered Dec. 8, 1948. Docketed Dec. 8, 1948. Book 54, page 410, Edmund L. Smith, Clerk; by C. A. Simmons, Deputy.

[Endorsed]: Filed Dec. 7, 1948. Edmund L. Smith, Clerk. [161]

In the District Court of the United States
Southern District of California

Central Division

No. 8678-Y

FRANK W. BABCOCK,

Plaintiff,

vs.

BEN C. KOEPKE, et al.,

Defendants.

ORDER GRANTING MOTION TO DISMISS

Defendant Ben C. Koepke's motion to dismiss the complaint having come on for hearing on the 22nd day of November, 1948, in the forenoon before the Honorable United States District Judge Leon R. Yankwich, the plaintiff being represented by Austin Clapp of Bent and Clapp, and said defendant being represented by Frank L. Hirst and Benjamin Chapman, and the Court having considered the pleadings, points and authorities, brief and affidavits on file and arguments of counsel, and being fully informed concerning the matter and having made his written findings of fact and conclusions of law, and good cause appearing, now therefore, upon the reasons fully set forth in the said findings,

It Is Ordered, Adjudged and Decreed that the above captioned cause shall be and it hereby is dismissed as to the defendant Ben C. Koepke.

Dated at Los Angeles, California, this 7th day of December, 1948.

LEON R. YANKWICH

Judge [162]

Approved as to Form: Abe I. Levy, Stephen D. Monahan, Frank L. Hirst, Richard G. Solof, Benjamin Chapman, by Benjamin Chapman, Attorneys for Defendant Ben C. Koepke. Dated: This 30th day of November, 1948.

Receipt of a copy of the within Order Granting Motion to Dismiss is hereby acknowledged this 2 day of December, 1948. 1.27 P. M. Bent and Clapp, by Austin Clapp, Attorneys for Plaintiff.

Judgment entered Dec. 8, 1948. Docketed Dec. 8, 1948. Book 54, page 412. Edmund L. Smith, Clerk; by C. A. Simmons, Deputy.

[Endorsed]: Filed Dec. 7, 1948. Edmund L. Smith, Clerk. [163]

[Title of District Court and Cause]

NOTICE OF APPEAL

Notice is hereby given that Frank W. Babcock, the plaintiff above named, hereby appeals to the United States Court of Appeals for the Ninth Circuit, from the order granting motion of defendant Ben C. Koepke, to dismiss the complaint as to him and from the judgment of dismissal of this action entered herein on the 8 day of December, 1948.

Dated: This 9 day of December, 1948.

BENT AND CLAPP

By Austin Clapp

Attorneys for Plaintiff

[Endorsed]: Filed & mld. copy to Benj. Chapman, Atty. for Defts., Dec. 9, 1948. Edmund L. Smith, Clerk. [165]

[Title of District Court and Cause]

CERTIFICATE OF CLERK

I, Edmund L. Smith, Clerk of the United States District Court for the Southern District of California, do hereby certify that the foregoing pages numbered from 1 to 169, inclusive, contain full, true and correct copies of Petition of B. C. Koepke, Area Rent Director, on Behalf of the United States of America for Removal of Suit from the State Court; Copy of Complaint for Declaratory Relief and Injunction; Copy of Order to Show Cause and Temporary Restraining Order; Order Enjoining Further Proceedings in State Court in Removed Case; Motion of Ben C. Koepke to Dismiss the Complaint; Affidavits of B. C. Koepke and Tighe E. Woods in Support of Motion to Dismiss; [Affidavit for and Order Granting Continuance of Hearing on Motion to Dismiss filed October 8, 1948; Affidavit for and Order Granting Continuance of Hearing on Motion to Dismiss filed October 15, 1948, pages 1 to 6 of Supplemental Transcript]; Plaintiff's Request for Admissions; Reply to Plaintiff's Request for Admissions; Affidavits of Joan Engelhardt, Marion Clark and Dorothy Burtch; Stipulation of Fact; Affidavits of Ivy Gray, Hugh C. Willett, Robert D. Fisher and Helen Hall Moreland; Notice of and Motion for Preliminary Injunction; Affidavit of N. M. Saunders; Minute Order Entered November 22, 1948; Findings of Fact and Conclusions of Law in Connection with Order Granting Motion to Dismiss and Denying Motion for Preliminary Injunction; Order Denying Plaintiff's Motion for a Pre-

liminary Injunction; Order Granting Motion to Dismiss; Two Notices of Appeal and Appellant's Designation of Record on Appeal which constitute the transcript of record on appeals to the United States Court of Appeals for the Ninth Circuit.

I further certify that my fees for preparing, comparing, correcting and certifying the foregoing record amount to \$25.60 which sum has been paid to me by appellant.

Witness my hand and the seal of said District Court this 14th day of December, A. D. 1948.

(Seal)

EDMUND L. SMITH

Clerk

By Theodore Hocke

Chief Deputy

[Endorsed]: No. 12118. United States Court of Appeals for the Ninth Circuit. Frank W. Babcock, Appellant, vs. Ben C. Koepke, individually, and as Area Rent Director, Los Angeles Defense-Rental Area, Office of Rent Control, Office of the Housing Expediter, et al., Appellees. Transcript of Record. Appeal from the United States District Court for the Southern District of California, Central Division.

Filed December 16, 1948.

PAUL P. O'BRIEN

Clerk of the United States Court of Appeals for the Ninth Circuit.

At a Stated Term, to wit: The October Term 1948, of the United States Court of Appeals for the Ninth Circuit, held in the Court Room thereof, in the City and County of San Francisco, in the State of California, on Thursday the ninth day of December in the year of our Lord one thousand nine hundred and forty-eight.

Present:

Honorable William Denman, Chief Judge, Presiding,
Honorable William E. Orr, Circuit Judge,
Honorable Ben Harrison, District Judge.

No. 12118

FRANK W. BABCOCK,

Appellant,

vs.

BEN C. KOEPKE, Individually, and as Area Rent
Director, Los Angeles Defense-Rental Area, Office of
Rent Control, Office of the Housing Expediter,
Appellee.

ORDER STAYING PROCEEDINGS

Upon oral motion of Mr. Ralph Golub, on behalf of counsel for appellant, and upon reading and filing the application of appellant herein, and good cause therefor appearing, It Is Ordered that appellee Ben C. Koepke, Individually, and as Area Rent Director, Los Angeles Defense-Rental Area, Office of Rent Control, Office of the Housing Expediter, his agents, servants and employees and all persons acting in concert with him, be, for a period of ten days from the date of this order enjoined and restrained from issuing or purporting to issue the proposed or any order or orders fixing or purporting to fix a maximum rent or rents for the premises known as 660 West Jefferson Boulevard, Los Angeles, California, or any part thereof.

At a Stated Term, to wit: The October Term 1948, of the United States Court of Appeals for the Ninth Circuit, held in the Court Room thereof, in the City and County of San Francisco, in the State of California, on Wednesday the fifteenth day of December in the year of our Lord one thousand nine hundred and forty-eight.

Present:

Honorable William Denman, Chief Judge, Presiding,
Honorable William Healy, Circuit Judge,
Honorable William E. Orr, Circuit Judge.

No. 12118

FRANK W. BABCOCK,

Appellant,

vs.

BEN C. KOEPKE, Individually and as Area Rent
Director, Los Angeles Defense-Rental Area, Office
of Rent Control, O. H. E.,

Appellee.

ORDER CONTINUING MOTION FOR INJUNCTION
PENDING APPEAL, AND EXTENDING
STAY ORDER

Good cause therefor appearing, It Is Ordered that the motion of appellant for an injunction pending appeal, noticed for hearing at San Francisco, on Friday, December 17, 1948, be, and hereby is continued for hearing to Monday, December 20, 1948.

It Is Further Ordered that the stay order of this Court heretofore issued on December 9, 1948, be continued in force and effect until the further order of this Court.

[Title of United States Court of Appeals and Cause]

STATEMENT OF POINTS ON APPEAL

I.

The District Court erred in finding that Appellee was authorized to issue orders fixing maximum rents applicable to the premises at 660 West Jefferson Blvd., Los Angeles, California, and that appellee was authorized in fixing such orders to determine whether the premises were or were not controlled housing accommodations.

II.

The District Court erred in finding that the Notices of Proceedings issued by Appellee were authorized by provisions of Section 840.7 of Revised Rent Procedural Regulation No. 1.

III.

The District Court erred in finding that the remedies afforded to appellant by Revised Rent Procedural Regulation No. 1 were adequate.

IV.

The District Court erred in holding that neither it nor the Court from which the cause was removed had jurisdiction to interfere with the administrative proceedings conducted by Appellee.

V.

The District Court erred in holding that the Appellant had an adequate remedy at law.

VI.

The District Court erred in denying a preliminary injunction against the Appellee.

VII.

The District Court erred in concluding that irreparable injury did not result to Appellant by the issuance of the proposed orders of the Appellee.

VIII.

The District Court erred in concluding that no controversy capable of judicial cognizance existed between Appellant and Appellee.

IX.

The District Court erred in denying Appellant's Motion for Preliminary Injunction and in dissolving the temporary restraining order theretofore issued.

X.

The District Court erred in dismissing Appellant's Complaint as to Appellee.

Dated at Los Angeles, California, December 23, 1948.

BENT AND CLAPP

By Austin Clapp

Attorneys for Appellant

[Endorsed]: Filed Dec. 24, 1948. Paul P. O'Brien,
Clerk.

[Title of United States Court of Appeals and Cause]

ORDER ENJOINING APPELLEE, UPON
APPELLANT'S DEPOSITING RENTALS

Before: Denman, Chief Judge, and Orr, Circuit Judge.

Whereas, it has been ordered that appellee be restrained from issuing any orders fixing a maximum rent or rents for the premises known as 660 West Jefferson Boulevard, Los Angeles, California, or any part thereof till the further order of this court;

Now upon further consideration It Is Ordered that such stay be discontinued five days from the receipt of a certified copy of this order, unless appellant deposit with the United States District Court for the Southern District of California all rentals received by appellant from tenants of the above premises since the filing of the complaint below, and continue so to deposit all further such rentals received by appellant during the pendency hereof.

If it be finally decided that appellee was entitled to determine the maximum rentals as from October 6, 1947, as claimed by him, or as from any other date, then such rentals shall be distributed to the tenants paying them in such amounts as the rentals collected from each exceed the maximum amounts so determined, for the time since the effective date so decided, the balance, if any, to be distributed to appellant. If it be decided that appellee is not entitled to determine such maximum rentals, then the deposited rentals shall be distributed to appellant.

[Endorsed]: Order. Filed Jan. 13, 1949. Paul P. O'Brien, Clerk.

